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CONNOLLY

# UPLIFT

"IF THAT'S THE WORD"

## POLITICAL UPHEAVAL SERIES

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BOOK ONE

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JOHN A. CONNOLLY

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# FOREWORD

Prior to election day in the year 1914 the following series of articles were written and published over the author's signature in the New York Tribune and the New York Globe, and a copy of the open letter hereinafter published (Chapter IV) was sent to every member of the Democratic State Committee.

At that time the author forecasted a cataclysm of political defeat for the Democratic party. This prophecy was subsequently verified by the overthrow of the party in all branches of the State government.

These articles were then written for the purpose of directing public attention to a phase of "practical politics" which is little understood—namely: The qualities of the successful man in politics.

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THE
NARDON
PRESS
N.Y.

# CHAPTER I.

## THE PARTY LEADER.

To-day the man who would be successful in American politics, be he the district leader, the alderman, assemblyman, state senator, or GOVERNOR, must bear in mind that he has not untrammelled liberty to express his views on political matters, on the rostrum, in the public press, or even in the councils of his political party. I say this with due regard to the nature of the American political party-system. The declaration of principles contained in a political party "platform" cannot, of course, in principle be disregarded. The successful statesman (and this includes the professional office holder) must learn at the inception of his political career that obedience to the views, the wishes, and the express mandates of the Party Leader is the foundation of his success. The political leader is the repository of political power. Ability to sense his wishes is the key to success.

It is beside my purpose to discuss the elements which go to make up the character of the political Party Leader. Suffice it to say that it is a *sine qua non* that the Party Leader should have the qualities of a diplomat; not necessarily the skilled hypocrisy of an international diplomat, but the faculty of masking his true purpose by appeasing his political votaries with promises seldom carried out, though often reiterated with plausible sincerity. Hence the aspirant for political preferment lives in a land of hope, believing that he will some day receive his reward.

To those who have obtained a political berth, its continuance is likewise dependent upon the will of the Party Leader. In popular phrase, political appointees (and this includes those who are elected through the machinery of the party system) must "make good,"—that is, be subservient to the Party Leader—he who is familiarly known as the political "boss." At this critical period of his career the political **uplifter,** the reformer, and the idealist must

compromise with political **reform** or abandon his political ideals. The exigencies of "practical politics" are measured in standards of materialism. The American Party Leader is not interested in the Science of Government; to him the intellectual enjoyment of the true statesman, the possibilities of human betterment through social and economic legislation is of little consequence. The Party Leader has for his creed the doctrine of Mammon and the Golden Calf. It is a notorious fact that in American politics as now demonstrated, the insidious influence of the moneyed classes dominates our entire social and political life. There is no more convenient agency for this purpose than the political boss with his unseen power and mysterious influence.

Our professional political office holders realize that obedience to the political "boss," otherwise the Party Leader, and his hierarchy of political vassals is the surest safeguard for continuance in office. Occasionally, however, some one aspires to become a statesman, quite often with the Party Leader's approval. This desire must not transcend the wishes of the "boss," but must be skillfully directed to lull the perplexed brain of the great mass of people briefly termed the "public," lest a more able and artful reformer cause a political schism, and thereby use the "public" to the detriment of the organized political party.

And so we find the professional politician to be a species of Janus-faced political acrobat; now he obeys his party boss; now he disclaims against all opposition to legislate for social betterment of the people, but ever mindful of the wishes of his "boss." The expediency of all new moves on the chess board of practical politics is subject to the control of the Party Leader, whose judgment demands unhesitating obedience.

The man in American political life can be sincere and honest only as his Party Leader is honorable; as conducted at present the power of money is the corrupting and blighting force that strangles self-respect and decency in American political life. There is a wide gulf between the standards of the political as opposed to the social conscience, and the standards applied to conduct in private life.

Why should there not be a chair of "Political Ethics" in one of our universities? Perhaps then a far different body of men would take its place in the American Com-

monwealth and the political leader could not then be the irresponsible agent of the corrupting minority, but the teacher and leader of a new political religion founded on the ideals of a true and perfect Democracy.

## CHAPTER II.

### HIGH AND PURE MR. OSBORN.

*To the Editor of The Tribune:*

SIR—On the front page of The Evening Post appears an Albany dispatch which, after careful reading, if it means anything at all to the Democratic party, is a boom for Franklin D. Roosevelt for Governor of this State and William Church Osborn for United States Senator in the coming State election.

Governor Glynn is quoted as stating: "He (Osborn) will probably want to know how enough other people would feel about it." As one of the "other people," I will say that, having voted for every Democratic Governor and would-be Democratic Governor from Cleveland to Sulzer, covering a period of thirty years, and in that time having only disqualified myself as a Democrat once by voting for John B. Stanchfield, I feel that I am entitled to express my views as a Democrat on candidates.

In the first place, "Ready Relief" Roosevelt—I mean Franklin D.—**should take his binoculars and patrol the 1,800 miles of unprotected sea coast** and hold down his federal position. The coming State campaign will be fought on State issues, and the loyal Democrats of this State do not want a repetition of the Folger campaign, to their discomfiture.

In the second place, **Mr. Osborn, I will admit, is a gentleman and, incidentally, is charitably inclined, which his wealth permits, and the gaunt spectre's temptation and want have never crossed his path.** He is a theoretical reformer of the highest and purest type and temperamentally unfit to lead the Democratic campaign. His political history since 1892 follows, chronologically:

**1892-1895**—An ardent tariff reformer, denouncing protection with logical precision.

**1896**—Resigned his position as chairman of the Putnam County Democratic Committee, giving aid and voting for the highest "apostle" of protection in the United States.

**1897**—Voting in New York for Seth Low, a Republican.

**1898**—Doubtful. Received a lucrative State position from Governor Roosevelt the following year.

**1900**—Booming and voting for Bryan. Failed to resign, however, this time his position under a Republican Governor.

**1903**—Voting for Seth Low, a Republican, denouncing the Democratic candidate for Mayor of the City of New York, and signer of a circular defaming his own city.

**1904**—The "all pervading" secretary of the "Parker Constitutional Club," with mutterings from the wielder of the "big stick" in Washington of the ingratitude of Osborn.

**1905**—Voted for a Republican Supervisor in Putnam County.

**1906**—Booming Jerome for Governor. Assuming the responsibility, without authority, in pre-convention times, of speaking for the voters of Putnam County in public press; in close association with Mayor McClellan at Buffalo, trying to switch the Putnam County and other delegations from their choice for Governor. Voted for a Republican Governor that year—the Hon. Charles E. Hughes.

**1907**—October 5, chairman of Putnam County Democratic Convention, with apparent submission to the will of the majority; October 24, same year, letter over his signature in the county papers stating that he will vote for the nominee of the Republican Convention, Clayton Ryder.

All the above is a matter of record and subject to proof.

I believe in 1908, 1910 and 1912 he has been fairly regular, but I sincerely believe that the great Democratic party cannot take any chances with such a leader this fall. He conducted two investigations during Governor Dix's administration; one of them chiefly concerned the smoke that went up the chimney in Sing Sing prison (meaning the price of coal furnished), and the second, much to his discredit, was the prevention of a new State prison at Wingdale, Dutchess County, N. Y.

There is, however, another Osborne in this State—Thomas Mott—who is a man with all the qualities that

go to make a leader and would make a fearless United States Senator. He has worked unceasingly, without any hope of reward, for the last decade, and will be chiefly remembered in the last Democratic State Convention in 1912, when, pointing scornfully to the leader of Tammany Hall, he stated prophetically and thrillingly (these are the words as I recall them): **"The hour has struck. Gaze upon him for the last time."** This will become more famous than General Bragg's comment on Grover Cleveland: "We love him for the enemies he has made." Even "Wig-Wag" Wagner, bobbing up and down in that State Convention, could not terrify a born leader.

While I believe that there will be no dearth of candidates for the nomination for Governor this fall, there is only one man in sight for the job who is well entitled to it from every rule of the game, no matter who is chairman of the Democratic State Committee. I refer to the Hon. John A. Hennessy, a Cleveland in potent purpose, a Hill in political acumen, a Sulzer in determination, and a Hughes in investigation.

New York, January 24, 1914.

## CHAPTER III.

### MECHANICS OF POLITICS.

*To the Editor of The Tribune:*

SIR—With no desire to create a schism in the Democratic party, or, to quote D. F. Malone, to "Bull Moose" it, I think it is high time to let loose a few criticisms to save us from inglorious defeat from the new "machinists" that have grabbed the throttle and are travelling too fast for the voters.

To begin, a great "Democratic conference" was held in Saratoga Springs on September 9 and 10, 1909, resulting in a "declaration of principles" of the New York State Democratic League. At this get-together and successful conference Thomas Mott, not William Church Osborn-e, defined democracy, that showed he was a master of civics. In view of the recent happenings, the following quoted words of his were prophetic:

"Paternalism is inconsistent with Democracy. We cannot have our thinking done for us or our actions determined for us by a Great Father at Washington (or a little Son

at Albany), any more than by a Bourbon Louis or a Hanoverian George." The words added in parentheses are mine, and are justified from my point of view by his own interview in to-day's news.

I have criticised and commended Mr. Glynn in letters over my signature since he assumed the office of Governor. Recently my suspicions were aroused when he admitted as the duly elected and accredited Lieutenant Governor of this State that he attended, as a non-resident member, I assume, of the "directorate" at Delmonico's a conference on the hydro-electric power bill last May, and to use his own words, "fought like a tiger." Governor Glynn is not so green, and he should fully know as a countryman that Delmonico's is a place for gastronomics and not economics, and any power developed there has in the past generated grafters galore. But this is now all waved aside, relegated to the caboose, and is styled the "mechanics of politics," with Osborn at the throttle and the Albany Regency revived.

From direct knowledge and accumulated evidence daily received, it is fully known that if Mr. Osborn, of Putnam County, is made chairman of the Democratic State Committee he will be only a mask for C. F. Murphy, a "wax figure" and a respectable frontispiece to enable the grafters to continue their looting. If the State Committee is called for any such purpose a Democratic delegation now forming will seek admission to protest against Mr. Osborn's selection as State leader. He belongs to one of the smallest sub-divisions in the State which comprises a complete Assembly district and shortly will elect one of 150 new members of the State committee, and if he should strive to be selected would be ingloriously defeated, as in the past every time he sought office. The reasons for his defeat will be fully given if the State Committee is convened.

Governor Glynn, you were born in Columbia County, the birthplace of Martin Van Buren and Samuel J. Tilden, and if these two great Democrats could burst forth the cerements of the grave, lift the veil of time and be given power of speech, these words of advice to you, as a son of Columbia, would undoubtedly fall from their lips: "No compromise with evil."

New York, February 10, 1914.

# CHAPTER IV.

## A WARNING.

New York City, Feb. 26, 1914.

HON. GEORGE M. PALMER,
Chairman Democratic State Committee,
Cobleskill, N. Y.

DEAR SIR:

Having had the privilege of appearing before the Democratic State Committee in September, 1897, for the purpose of solidifying the party by nominating Alton B. Parker for Chief Justice of the Court of Appeals, who had openly declared a few days before his selection that he had voted for the Bryan and Sewall electors the year prior. As you well know, he was elected to that office only to sacrifice it seven years later to become the Standard Bearer of his party for the office of President of the United States. He has been rewarded and honored for his loyalty to Democracy.

Another crisis has arrived for your Committee to ponder over and I again would consider it a privilege to appear before you, but my duties will not permit. Looking over the roster of membership of the Committee in 1897, I find but three Democrats on it then that are still members in 1914, viz.: Messrs. Murphy, McLean and Batten. I have written two political articles recently that cover my views on the present situation, as follows: In the People's Forum of the New York Tribune of January 30th and February 12th. I therefore feel this letter will be as effective as if I appeared in person before you.

I am unalterably opposed to the selection of William Church Osborn as Chairman of your Committee for the following reasons:

1896—Voted for the McKinley and Hobart, or Palmer and Buckner electors, and resigned his position as Chairman of the Democratic County Committee of Putnam.

1897—Voted in New York for Seth Low, a Republican.

1898—Probably voted for Theodore Roosevelt, then a Republican. Appointed to a State position with a handsome salary the year following.

1900—Voted for the Bryan and Stevenson electors, but did not resign his paying position this time under a Republican Governor, a sad reflection on that other also ran for Governor, John B. Stanchfield.

**1903**—Again voting for Seth Low, a Republican, and against Democratic Congressman McClellan for Mayor.

**1904**—Voted straight this time for the Parker and Davis electors and made a run for Senator in the 26th District, only to be defeated, as he was in 1894 for the same office, not even carrying tiny Putnam County, where he resides, in either contest, the smallest sub-division in the State, though we have sent to the Assembly as Democrats a Steamboat Captain, Carpenter, Summer Hotel Proprietor, and Insurance Agent.

**1905**—Voted for a Republican and against a sterling hard-shell Democratic Editor for Supervisor.

**1906**—Attended the Buffalo State Convention in close consultation with Mayor McClellan; after being trounced, supported Charles E. Hughes, for Governor.

**1907**—Purposely made Chairman of the Democratic County Convention. His candidate being defeated by a vote of 25 to 17 on the floor of the Convention, and it being then made unanimous, he sulked for three weeks, and then came out in the county papers over his own signature, stating he would vote for the nominee of the Republican Convention.

**1910**—Voted for John A. Dix for Governor, who appointed him his legal adviser. If there are any records of achievements for either Dix or Osborn in that administration, I have failed to discover them. Osborn resigned and Dix was turned down for a renomination by his own party, establishing a precedent for the first time in the history of our State.

The above, in brief, is his record, and I challenge any doubt of its correctness. I now give three final reasons for rejecting him as State Leader:

First: In 1897, your Committee expelled Henry D. Purroy, a sitting member, for disloyalty. You should not reward or **uplift** William Church Osborn for being a deserter and for the rankest treachery to the Democratic Party.

Second: Not believing in the hereditary principle where the Democratic Party is concerned, I am not in favor of elevating, or **uplifting** if you will, Mr. Osborn to a position of dignity in the Party Councils for something his father did in the seventies.

Third: If the Progressive, Republican and Socialist parties should draft for their tickets in our State this fall Theodore Roosevelt, Charles E. Hughes, and Seth Low

respectively, Mr. Osborn might resign. He certainly would embarrass the Democratic Party and its candidates in such an event.

Respectfully submitted,

(Signed) JOHN A. CONNOLLY.

## CHAPTER V.

### GLYNN, OSBORN, AND "UPLIFT."

*To the Editor of The Globe:*

SIR—Our genial Governor has spent the week-end with us at the Vanderbilt Hotel, the home of an erstwhile candidate for Governor, Mr. Stanchfield, who received an extra bonus over Mr. Herrick for making Mr. Glynn the victor and Mr. Sulzer the victim when the beneficiary of the exalted office of Governor had a chance to at least equalize the fees of the attorneys in the impeachment trial, and while preaching economy did nothing.

He made a felicitous speech at the "Amen Corner" dinner on Mr. Blythe's article about "Glynn and His Mattress," and stated very aptly that certain people were trying to stuff it with brickbats (hollow tile) and paving stones. As one of the people, I propose before the golden rod blooms in our State, and it will be done "blithely," to force all the "EXCELSIOR" out of that mattress unless he sticks to the duties of his office, coupled with the "leadership of ideas" that he recently proclaimed, and leaves the "mechanics of politics" to the people, where it belongs.

While the downtrods were storming the churches asking for relief, our Governor was whispering behind closed doors of an ultra-fashionable hotel on the **"uplift."** That is the correct word that has done duty by politicians for years, as Talleyrand would say, "to conceal their thoughts." Before describing the political meaning of the word, my attention has been riveted to an interview by Governor Glynn in the morning papers of Tuesday, in which it is stated "he made his first political speech for Mr. Osborn's nomination for Senator" of what is now the Twenty-sixth District, and, further, that Osborn was subsequently "defeated by a narrow margin in a strong Republican district."

Heterophemy is the most genteel word to use in contradiction. Here are the facts and election figures of 1895:

In Columbia County the Democratic candidate for Assembly was elected by 170 majority and Osborn was defeated by 449, a loss of 619 votes. I will be charitable and state that Orator Glynn's speech was not wholly responsible; there were other reasons needless to recall. In the three counties Osborn was defeated by the wide margin of 3,042 votes, falling behind 43 on the vote of Assemblyman in Dutchess and Putnam, a total loss of 662 votes. Now for the **"uplift."**

In **1892,** February—note the month carefully—Governor-Senator Hill was in favor of **uplift** for himself, and called his snowshoe convention in Albany. Another body of **uplifters,** known as the Anti-Snappers, put the regulars out of business in Syracuse and Chicago the same year and proved to Mr. Hill "it was the greatest mistake of his life."

In **1898,** at the Democratic State Convention in Syracuse, Charles N. Bulger of Oswego, standing in the aisle opposite Boss Croker with menacing finger **uplifted,** ended his final peroration with these words: "You can't beat the puppet of one political boss by putting up the puppet of another. Leaders are men who formulate policies and guide a party by and with the counsel of the party associates rather than men who seclude themselves somewhere and send out messengers to announce that John Jones (or Bill Osborn) is the State Leader this year."

In **1901,** in the Evening Post of October 9, appears an able article on "The Democracy of Edward M. Shepard," a real leader with all the word implies, from the pen of William Temple Emmet, in which he speaks of "The **uplifting** of Democratic politics in New York City," which is respectfully referred to our new State Chairman.

In **1906** William Randolph Hearst of the United States of America, while running for Governor, in Williamsburg, a suburb of Brooklyn and the home of the late Senator "Pat" McCarren, jumped on a table to denounce him. This **uplift** cost him the Governorship of the Empire State.

In **1910,** when William F. Sheehan announced his candidacy for United States Senator to Mayor Fuhrmann of Buffalo, he ended his famous epistle as follows: **"Onward** and **upward;** steady, always steady." His two "mechanics

of politics," the **head erector** (Murphy) and **floor hand** (Cohalan) who moved their machinery to the Ten Eyck Hotel from Tammany Hall, bungled the job so that nothing but a scrap heap remained and the **uplift** boom was consigned **downward** and **outward** to a junk shop.

In **1914,** notwithstanding political history for two generations in this State, when Governor Glynn's political motto should be *"Festina Lente,"* he persisted and, apparently obsessed with the complete ownership of the Democratic party and its committee, called it to the southern extremity of our State, with sixteen members absent on account of a storm of the elements presaging another storm of the people in November. These thirty-five political polar bears with a Tammany string attached elected a frigid Chairman. If this committee is not now politically dead, including its Chairman, it is "decadent." As to the ultimate purpose of Messrs. Osborn, Glynn, Murphy, et al., my answer would be the same as Machiavelli, "The public are asses and can be fed on straw."

New York, March 4.

## CHAPTER VI.

### "UPLIFT" RUINS.

*To the Editor of The Globe:*

SIR—With eyes **"uplifted"** I have scanned the political horizon since the Albany seismical disturbances that shocked the people of this State between the hours of 12 M. and 5:35 A. M. on March 28, and the only discernible signs of the **"uplift"** ruins are **Church** Osborn and **Temple** Emmet. At this writing, as a new Democratic creed is being formed, it is necessary to quote but a single line from O'Hara's "Bivouac of the Dead" that applies with equal force to both gentlemen, viz.: "No impious footstep here shall tread the herbage of their grave."

A few of their political somersaults while **"uplifting"** in the air and landing on their feet on the "Glynn mattress," now permanently located on the roof of Tammany Hall, are not amiss in writing their political obituary and spreading the cypress vines upon them. As a loyal Democrat it would have been much pleasanter for me to place laurel wreaths and halos encircling them for duty well done, but the wreaths were too large and the halos would not fit.

In the first place, the people of the State are to be congratulated that the Insurance Department is now out of the hands of Emmet and Hoey, who never made an appointment unless it was vised and O. K.'d by Francis Murphy. Mr. Hoey has stated that Mr. Emmet felt very kindly toward Mr. Murphy on account of a trifle over 14 per cent. of an **"uplift"** in salary by his legislature.

Last spring, I believe, a succinct statement of facts, if not direct charges, was being drawn by an honored and honest citizen, John T. McDonough of Albany, about Mr. Emmet and the workmen's compensation bill; but it was finally lost sight of on account of an impeached Governor. But now an impeccable Governor elevates him by an **"uplift"** of 50 per cent. in salary and 80 per cent. of tenure in another office. It certainly pays handsomely to be a friend of Messrs. Osborn and Murphy and an **"uplift"** decoy for Tammany while running a fake reform Democratic League Bureau (in the Fifth Avenue Building in 1910 in pre-convention times), whose employees were recommended by the then grand sachem of the Tammany Society.

More could be written about Mr. Emmet's absolute subservience to Boss Murphy, but the above thumbnail sketch will suffice for the present. In the second place, strange to relate, I am in entire accord with Mr. Osborn on Judge Hasbrouck. I believe he will make an admirable record as superintendent of insurance. He certainly worked wonders against "Lou" Payn and "Bob" Hunter, with the active, unceasing aid of "Lew" and "Bob" Chanler in fighting corruption in Dutchess County, where "rose water and violets" were not used, and when Delano Roosevelt was unheard of and Church Osborn was asleep atop of his haymow in Garrison, dreaming of his future **uplift** by an **uprising** of the populace and not at the hands of the boss of the State. I believe Superintendent Hasbrouck will hire and fire his deputies for the benefit of the down-trodden rent and tax payers of this State; his first act of non-machine domination will be the downward disappearance in the elevator shaft of another political comedian at the New York office popularly known as the Hon. "Josh Josh" Hoey.

For the purpose of rehabilitating himself and not "at the direction of the Governor" I fervently hope Mr. Osborn

will call together the State Committee of his own volition and prove himself a born leader, for the purpose of not upbraiding but upholding and **uplifting** the President of the United States in his hour of peril. Pride in his alma mater should awaken him to his bounden duty, as I am reliably informed both he and Mr. Emmet gave unstinted plaudits at the Westchester County dinner Saturday evening to the speech of a Senator of the United States known as "Oily Jam" of the Blue Grass region on the tolls question.

Finally, the time for writing has ended and the hour of fighting has arrived, and the young Lochinvar of Democracy, the collector of our port, has thrown his "hat in the ring" and has issued his call to arms for a militant Democratic organization versus a machine.

New York, March 31.

## CHAPTER VII.

### OSBORN PRIMARY PLANS.

Including an Incorrect Assumption as to a Source of Information.

*To the Editor of The New York Times:*

I find in your issue of this morning a column headed "Osborn's Primary Plan Is Rejected." The text states in substance that a conference was held at luncheon on Friday with "certain powerful and independent Democrats" to agree upon a harmony primary. I beg to say that in so far as this article refers to a conference and purports to state my views of methods of securing a Democratic ticket this year it is grossly misleading.

The so-called "conference" was a private luncheon at the Down Town Club held on an hour's notice, at which were present a well known lawyer in the city, another gentleman and myself. It was informal, and I frankly spoke my hope that the coming conference would result in placing several tickets before the electors to carry out the spirit of the primary law, and suggested a method by which I thought this end could be secured. The statement in your article corresponds with some precision to the views

expressed by the third gentleman present. I said to him he was quite at liberty to present his views to the conference. I did not say that he was at liberty to present his views to the public through the medium of the press as if they were the formal results of discussion by a representative body of independents with the Chairman of the Democratic State Committee.

Neither the other gentleman nor I have mentioned the lunch or the talk to any person. The social side of the third gentleman's action is not a matter of public concern, but I write this correction to assure those of your readers who may be interested that the article in question, so far as I have been informed, represents his views and not those of any organized body of independent "Wilson men." [This gentleman, who is named by Mr. Osborn, was not The Times's informant.]

I have two principal objects in the coming campaign, namely, to give the people of the State the choice of candidates which the primary law purports to guarantee them, and second, to gain for President Wilson and his policies the election of as large a Democratic representation in Washington as can be secured by honorable means. Holding as I do great admiration for the President's masterful policies of the past year, and wishing to secure for him the support of this State, I cannot feel that I am doing other than my duty to him and to the party in endeavoring to secure agreement among Democrats. The conference on Thursday and Friday if rightly approached will be a strong means to that end.

WILLIAM CHURCH OSBORN.

New York, June 15, 1914.

## CHAPTER VIII.

### PRE-PRIMARY PACIFICATOR.

(*Submitted.*)

*To the Editor of The New York Times:*

Your article on "Osborn's Primary Plan," in your issue of the 15th inst., was instructive and illuminating, as it brought forth an answer over his signature in your next issue that can be analyzed from a party view-point. At this distance it is impossible to identify the two other voters who lunched with him; but it would be unkind, therefore,

to say anything about "Tooley Street," and they can go down in history as Messrs. "Gramercy" and "Broad." The enlightening part of Mr. Osborn's letter is the last paragraph, in which he states he has "two principal objects" for the coming campaign. First: To carry out the purposes of a purported guaranteed primary law. I am glad he is now suspicious of it, as he uses the word "purport" in the text; if he was sincere politically, why did he not support the National Democratic Clubs' Committee in its strenuous efforts last Spring to enact a fair and equable primary law that would have stood the acid test of fair play? Second: He speaks of the President's masterful policies of the past year, after they are carried through, but as State Chairman not one word of approval did he publicly offer, when he needed help. You can also search the columns of the daily press for one word of disapproval emanating from him on the most gigantic fraud that was ever perpetrated on the New York electors in the special election on the calling of a Constitutional Convention that he advocated and stood sponsor for. I contend that Mr. Osborn's sole and only object is the retention of Charles Francis Murphy as State Leader, coupled with a nomination for himself as Governor or United States Senator. In this connection, I note his Albany friend who does get himself elected or **projected** into office occasionally, "will not cross the street for a nomination." This of course can be taken with a large grain of Syracuse salt. Having noted Mr. Osborn's political comings and goings for many years, I fully believe that he will cross all the streets, avenues, boulevards, good and cross-roads in his high-powered machine between Garrison and Good Ground seeking a nomination and an assured election if the same tactics could be employed all over the State as took place in the Twelfth Assembly District last April. Finally, this pre-primary pacificator should read anew the life of Samuel Jones Tilden and try and get on the bedrock of Democracy, not forgetting one of his maxims, to-wit: The Democrats of the Empire State are like a lot of cats; the more fighting that takes place among them, the more votes will be found for the party in the Fall.

(Signed) JOHN A. CONNOLLY,

Eagle's Mere, Pa., June 18th, 1914.

# CHAPTER IX.

## THE FATE OF TAMMANY.

### Soup Kitchens and the Dreams of Mr. Murphy.

*To the Editor of The Tribune:*

SIR—Now that all the political hoop jumpers, whose principles are as fragile as the tissue paper enclosing the hoops, have spoken, written letters, etc., it is quite manifest that an extraordinary deal has been made in secret between the Capitol at Washington, the State House at Albany, and the City Hall in Manhattan. I now consider it my duty to leave my party in this gubernatorial campaign to smash such undemocratic tactics for the first time, after voting for every Democratic candidate for Governor from Cleveland to Sulzer.

I recall that after the McKinley tariff law was written on the statutes of the United States, representatives of the Botany Worsted Mills, Messrs. Kick and Lang, then located in Germany, Europe, appeared in New York, purchased a large tract of land in the city of Passaic, and began building great factories. I will always recall their words, viz.: "When the McKinley law was enacted in your country, we could do one of two things—close our factories in Germany and retire from business, or come over here and begin business anew. We chose the latter course."

That plant, on account of the genius of a McKinley and the marked business ability of a Hanna, now occupies hundreds of acres of buildings and has furnished employment for many thousands of employes for a period of almost a quarter of a century. It therefore follows that the economic principles of the Democratic party on the tariff are wrong, and it has taken the awful blight now descending on Europe to demonstrate the fallacy of Democratic tariffs. In other words, if the McKinley bill was the law of the land now, we would be a prosperous and contented country, and the bales of cotton that now adorn hotel lobbies and other places of business, which is free raw material with a vengeance, would be in our domestic factories being turned into finished products, and I doubt very much if there would be soup kitchens in Buffalo and the unemployed seeking our churches for lodging houses in this end of our State since the present tariff law was enacted.

Let me revert to the official result of a special election held in the Seventh Congressional District of New Jersey, the city of Passaic being a part of same, on April 7, 1914, and a comparison with the 1912 vote in that district follows:

| | 1914 election. | 1912 election. |
|---|---|---|
| Democrats ..... | 5,240 | 10,810 |
| Republicans ..... | 10,620 | 5,349 |
| Progressives ..... | 719 | 11,701 |
| Republican gain ..... | | 98 per cent. |
| Democratic loss ..... | | 51 per cent. |
| Progressive loss ..... | | 94 per cent. |

The clock certainly was set back in the President's own State, not hours, but years.

The idea that we have to swallow Glynn, Gerard, Sohmer, Bensel, Haffen and Ahearn in order to show that we don't want war with Europe is simply an insult to the intelligent citizenship of New York. Nobody will be deceived by it. No man will thus be induced to close his eyes to what the Democratic party has done to the public prosperity and the public welfare in State and Nation.

On November 3 next I verily believe after the votes are counted that Mr. Murphy can draw the shades of Tammany Hall, put up the shutters and "remain there for life," if he chooses, alone and undisturbed, dreaming of the impeccable Glynn, the impeachable Sulzer, and the impossible Dix.

As for Glynn, he can retire to his mansion at Cedar Hill and exchange the laurel wreaths that he is now constantly placing on his brow, even if they do not fit, for cypress vines on his political grave. Shades of Martin Van Buren and Samuel J. Tilden, what a sad ending for a Columbia County statesman!

Alas, poor Osborn! This patronizing plutocrat in disguise, his political obituary can be epitaphed in three words —Tanner, TANNING, TANNED!

New York, October 23, 1914.

# CHAPTER X.

## TAMMANY TAGS ON GOVERNOR GLYNN.

*To the Editor of The Globe:*

SIR—The three preposterous features of the gubernatorial campaign this fall are unparalleled in the methods employed to hoodwink the voters of the Empire State.

First: The veiled, delicate announcement in the public prints that Tammany Hall is too small for a Glynn meeting. (It may be possible that Glynn is too small for Tammany Hall!) I shall take this question up in a later paragraph and prove without a scintilla of doubt that he is the biggest asset that the Hall has ever had, and this does not except the Van Wyck administration.

Second: The oratorical and forensic ability in the upstate addresses of our impeccable Governor is taken up entirely with a specious argument that he is not a Tammany man.

Third: He waxes eloquent in proving that his adversary, Charles Seymour Whitman, wears a Tammany tag.

Concerning the size of the Hall, the Governor thoroughly knows that Horatio Seymour was nominated in Tammany Hall and was never afraid to speak there. He also is aware that the "Peerless One," the present Secretary of State of the United States, Hon. William Jennings Bryan, spoke in Tammany Hall in the 1900 campaign, and got off this shibboleth: "Great is Tammany, and Croker is its Prophet!" Even the late Mayor Gaynor, when looking for votes, was not afraid to address the unterrified in the hall with his famous opening allusion: "So this is Tammany Hall!"

Having no desire to take the Governor unaware by rising in any meeting to ask pertinent questions that might prove embarrassing, I prefer to present them for publication; then, if he will grant me sufficient room to stand alongside of him at any or all meetings between now and election day, I shall in a very gentlemanly way ask him to answer the following:

**First:** "Governor, if you are not a Tammany man, why did you, when State Controller, appoint practically all Tammany men in Greater New York, with the possible

exception, as I now recall, of a friend of yours from Albany, named Farrell, who happened to have a residence in New York City?"

**Second:** "Governor, if you are not a Tammany man, why did you send to the faithful of Tammany Hall, over your own signature, confidential information about impending civil service examinations while you were controller?"

**Third:** "Governor, if you are not a Tammany man, why did you as Lieutenant Governor of the State, attend a conference in Mr. Murphy's suite at Delmonico's in May, 1913, on the hydraulic electric power bill?"

**Fourth:** "Governor, if you are not a Tammany man, why did you appoint Weeks and Darlington to offices of great power after they were decisively beaten by the votes of the people in our city last November on the Tammany ticket?"

**Fifth:** "Governor, if you are not a Tammany man, why did you appoint Messrs. Dowling and Richards to positions of great importance, which I believe they are fully capable of filling, and who did not receive an adverse vote in any recent election? Was it to strengthen or drive Mr. Murphy from power?"

**Sixth:** "Governor, if you are not a Tammany man, why did you take a Tammany decoy—William Temple Emmet, head of the Insurance Department—after he had appointed all Tammany political hacks at Murphy's bidding, and make him an up-State Public Service Commissioner at an increased salary, coupled with more power and prestige?"

**Seventh:** "Governor, if you are not a Tammany man, why did you accompany an ex-Tammany Congressman and a Tammany candidate for the same office that you now occupy—namely, William Randolph Hearst—to look at the high buildings in Chicago last summer?"

**Eighth:** "Governor, if you are not a Tammany man, will you kindly take the people of the State of New York into your confidence and give them the exact reasons for appointing Wood in the First District as a Public Service Commissioner?"

**Ninth:** "Governor, if you are not a Tammany man, why did you get a well-known New York contractor to make an affidavit about an alleged million dollar steal on

public service contracts, who told you plainly when he said 'a million' he meant ten hundred thousand dollars? Look up your three letters, signed by your private secretary, Mr. Tierney, of the 4th, 6th and 15th of December, 1913. Produce the affidavit, Governor, and let the voters of New York State judge whether you are justified in withholding same."

Now that I have "tagged" you nine times, and you have my full permission to remove them and consign yourself for two more years in your exalted office, I would like to ask the **tenth** and final question: "If you are such a humanitarian as you claim, why did you throw into the discard the widow's pension bill in the closing hours of the last legislature?" You certainly cannot put the entire blame on the legislature, as you have taken full credit for the workmen's compensation bill, after a bi-partisan legislature had handed it to you for signature. A little more of the milk of human kindness and an emergency message would have made you a benefactor of a supremely helpless class in crying need, and no more worthy bill could have been placed on the statute books of the State.

The only "Tammany tag" (?) Mr. Whitman wears is a badge of honor, Governor, for it is the forced and reluctant tribute paid by a ruthless boss to a resourceful and fearless opponent.

New York City, October 24, 1914.

## CHAPTER XI.

### ELECTION RESULTS.

Whitman's Official Plurality **145,432.**

*Glynn Got* **90,886** *Votes Less Than the Total Democratic Enrolment.*

Sulzer Polled **126,270.**

ALBANY, December 4.—Governor-elect Charles S. Whitman received a plurality of **145,432,** according to the returns of the November election as canvassed by the State Board to-night. The other pluralities were:

TOTAL VOTES CAST.

The total votes cast for the Republican candidates were: Whitman, 686,701; Williams, 677,393; Travis, 657,373; Woodbury, 651,869; Wadsworth, 639,112; Wells, 622,-811; Schoeneck (indorsed by Independence League), 622,-493; Hugo, 601,857; Chase, 594,414. Governor Glynn received **90,886** votes less than the total Democratic enrolment in the State, but Governor-elect Whitman received 164,347 more votes than the Republican enrolment.

Governor Glynn got 412,253 votes under the Democratic emblem, 125,252 under the Independence League emblem, and 3,764 under both emblems. The Governor's vote under the Democratic emblem was **219,902** less than the total Democratic enrolment in the State.

## CHAPTER XII.

### AFTER THE STORM.

In sentimental prose the word "affinity," once a dignified and reputable term, has lost its savor through ignorant application to equivocal conduct. We must take care that the good word **"uplift"** does not deteriorate through promiscuous service in political parlance. When the mists have cleared away the uninitiated but blindly accurate "public" will perceive the first rise in a *bona fide* **"uplift"** which did not catch-penny phrase itself to cloak the devious processes of an insincere and calculating machine morality.

One of the first signs following is the splendid choice of the new Sing Sing Warden. Here we find that *rara avis* so sorely needed and seldom realized—a positive as contrasted with a negative honesty—one that no back-stairs influence can pervert and that can "wade knee deep through temptations." In him we find, not the reformer, but the re-builder, a man of subtle and sanguine ideals who studied the great prison problem by literally stepping into the shoes of the convict. He knows that the State is not trying to punish the creature body of the malefactor, but to conform the outlaw brain which generated the crime to the accepted standard of public welfare. Regeneration, not reform, is the slogan. To help the groping to "put off the old man" and deal fairly with his fellowman he must be himself a never-failing object lesson in fair-play.

It will soon be apparent to the most superficial observer, that a real **"uplift,"** hitherto fermenting under its modest bushel, is in process, and will gradually leaven the entire mass of mistaken theories of "expediency."

That such ideals are not inconsistent with a clear perspective and a healthy sense of humor is indicated by the javelin jab at the United States Senate in the Warden's letter.

We know from past performance that our new Governor has the courage of his own staunch convictions; with the co-operation of other able and thoughtful **"uplifters"** of the Mott Osborne type, New York State should light her torch and take a big-sister lead in the regenerative work which should be consummated before we ourselves are ever caught in the clutch of terrific events.

## ST. THOMAS OF AUBURN.

### A GENUINE UPLIFTER.

---

New York, November 20th, 1914.

Hon. Thomas Mott Osborne,
Hotel Belmont,
New York City.

Dear Mr. Osborne:

I started last January to make you a United States Senator, but you decreed otherwise, and now that you will be Sing Sing Warden at the end of the year, I feel that the promotion has been well earned.

I offer you my sincere congratulations, as I really believe that you will be effective, just and humane in this very trying position, and that you will be promoted from time to time, in a similar manner as a former sheriff from Buffalo.

Sincerely,

(Signed) John A. Connolly.

THOMAS MOTT OSBORNE,

Auburn, N. Y.

December 2nd, 1914.

Dear Mr. Connolly:

Many thanks for your letter of November 20th. I'm glad you didn't make me United States Senator, as I'd much rather be in Sing Sing in any capacity.

Thanking you again for writing me, I am

Sincerely yours,

(Signed) T. M. Osborne.

John A. Connolly, Esq.,
New York City.

# ARRAGH-A-CHES

"COME DOWN WITH THE CASH"

and

# "A Tribunal of Lawyers"

## POLITICAL UPHEAVAL SERIES

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BOOK TWO

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JOHN A. CONNOLLY

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JUNE 1st, 1915

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Constitutional Convention Edition

THE MARSHALL PRESS

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# Constitutional Morality

"Few of us, I assume, would seriously suggest that the judicial department is to be above criticism, or that it is to be deemed so sacrosanct that we must bow and submit in silence to whatever the courts declare to be law, without the right of challenge, criticism, or censure. Such a view would be absurd."—*William D. Guthrie.*

(On "Constitutional Morality," an address before the Pennsylvania State Bar Association at its annual meeting, Cape May, N. J., June 25th, 1912.)

# FOREWORD

*To the Honorable President of the Convention, Delegates-At-Large, and District Delegates in the* 1915 *Constitutional Convention of New York State.*

GENTLEMEN:

I finally determined to write this book after reading the "Revision of the State Constitution," published by the Academy of Political Science, in the city of New York, noting particularly the address of Hon. Elihu Root, the then Senior United States Senator from New York, entitled, "The Principles and Practice of Constitutional Revision," delivered as presiding officer at the dinner meeting of the Academy on November 19, 1914. Believing there is nothing so strong at the quoted word, two paragraphs of his address are indelibly impressed upon my memory and will bear repetition here.

First: "Twenty years ago the thought and the feelings of the people of this State were asleep on fundamental questions of government. To-day the thoughts and the feelings of the people of this State are awake and interest is keen. Consequently I feel the greatest confidence in the product—not so much in the deliberations of the convention itself, as in the force of intelligent, instructed and mature public opinion of the State operating upon the minds of the members of that convention."

Secondly: "Any one who has ideas as to what ought to go into this new constitution, or what amendments ought to be made to the old constitution, should get to work and prepare his ideas so that they can be presented to the convention

promptly in April, so as to let the committees get to work on them."

The chief thing to be borne in mind in reading this book, is the remedy or remedies which this body should apply.

I am in accord with the idea of ex-Senator Root when he protested against the elimination of the Naval "Plucking Board" in practically his last speech to the United States Senate on March 3, 1915, wherein he points out that the abolition of the Board was a singular example of the failure of a legislative body to do its full duty to the country by abolishing that Board. I favor a Judicial "Plucking Board."

The burning question of the day is the Courts and the Judiciary. The Legislative investigation of Justice Cohalan, who refused to explain his conduct to The Association of the Bar of the City of New York, of which he was an honorary member, is an example of the fact that there is no adequate legislation enabling the people to control the actions and conduct of unfit men who hold judicial office.

I trust this convention will therefore adopt a judicial "Plucking Board" constituted of an eminently qualified impartial body, composed of one member from each Judicial District in the State of New York. The Introduction with sixteen succeeding chapters will give additional reasons for this communication.

Respectfully submitted,

John A. Connolly.

# INTRODUCTION

Since the Constitutional Convention for the State of New York is the supreme body with legal power to prescribe and adopt measures for remedial judicial reform, it behooves every conscientious citizen to lay as much stress as possible on the imperative need for such legislation. This little booklet is solely intended as a Petition, Memorial, and a Remonstrance, to carry a specific message to the members of that body, and strongly advocates judicial reform in many particulars, and especially that sensible rules shall be formulated in the new constitution respecting judicial impeachment.

In illustrating my points, and to make them as impressive as possible, I have used the startling features of the Cohalan investigation, simply because it represents my personal experience in affairs at law, and furnishes accurate examples of the follies which demand correction.

I have endeavored to marshal my facts dispassionately, and expel any note of the dissatisfaction I have naturally felt at times over the way "justice" is administered in my native State. I would not recall the case had Justice Cohalan lived up to his own declaration, to-wit: "So far as I am concerned, the incident is closed, and will remain closed." My subsequent arrest by Cohalan's express orders, on a trumped-up charge, when he had left this country for his foreign home, justifies me in reviewing the entire proceedings, to prove the liability to maladministration which I claim calls for immediate and genuine remedies.

Under Rule 5, Page 29, of the proceedings in relation to

the charges against Justice Cohalan, I was entitled to have counsel to represent me, but failed to take advantage of this ruling. The entire action was printed and is a matter of record. The Joint Judiciary Committee in 1913 advised that nothing further be done by the Legislature. I then considered the whole affair settled *"res adjudicata,"* but to prevent a recurrence of such travesties of "Justice" in the future, my experience may at least serve to secure some better legislation for posterity. With my full constitutional prerogative it is now my privilege to "sum up," and, to quote Mr. Jerome, **"If we are going to have a summing-up, let it be a summing-up that is a summing-up."**

With this in view I have in the following chapters exposed the absurdities in the proceedings, without legal phraseology, and respectfully submit them for the light they may shed on the need for remedial measures to be embodied in the organic law of the State of New York.

# CHAPTER I.

## ARRAGH-A-CHES.

The expression which has been selected to open this chapter is a condensed literal declaration of the mercenary spirit which has animated the political "friendships" of two politicians for twelve years. "Arragh-a-ches" is the Americanized equivalent of the ancient Gælic "arragoid saois," and its western synonyms are "ante up," "come across," or "hand over your money." This explanation and its exposition in the following article will serve as a bull's-eye to illuminate the vigorous protest against such barter in the "Vestibule of Justice" (Tammany Hall) embodied in this book.

### *Arragoid Saois!*

The political vocabulary of the State has been enriched by a new phrase of vital meaning, thanks to the testimony of John A. Connolly in the Cohalan investigation. Mr. Connolly was telling of his payments to Mr. Cohalan and the following conversation accompanying the interview when the money was paid. Here is the stenographic transcript of that part of the testimony:

Q. *State the conversation?* A. *I told him that the first Water Department bill had been paid, and under my agreement of ten per cent. I had brought down* $55.55, *and I put it on his flat-top desk. He immediately swept it into the drawer and said: "If you ever bring such small change as that in here again, I will take the work away from you."*

Q. *During these years of* 1904, 1905 *and the following year of* 1906, *what payments did you make, or what money did you pay or deliver to Justice Daniel F. Cohalan, stating the amounts and the time as near as you can?* A. *On October* 29*th,* 1904, *I secured a* $500 *bill from the Broadway branch of the New York Produce Exchange Bank, located at Eighty-sixth Street and Broadway, and called upon Daniel F. Cohalan at Bureau A of Democratic National Headquarters, which was located in an office building*

*on West Thirty-third Street. I was ushered into a private office, as I recall it, a back room, and I gave him the bill. He had charge of what I would call the Irish end of the campaign for Alton B. Parker, and he said to me, "Arragh-a-ches."* (Stenographer's transcript should have read "Arragoid saois.")

Q. *Nobody here understands that, apparently. What is that?* A. *I understand it means "Come down with the cash" or "Have you any money?" It is Gaelic.*

The whole State was wondering yesterday if Mr. Connolly's translation was as adequate as it was pat. After a futile appeal to the Honorable Patrick E. McCabe, the eminent Latin scholar, who denied equal familiarity with the fascinating and mysterious Gaelic, the *Knickerbocker Press* asked Michael J. Louden, who lets Gaelic off his tongue as trippingly as flows a purling brooklet, to solve the mystery. Mr. Louden ventured that Mr. Cohalan did not say "arragh-a-ches" or "arragh-go-cheese," as Mr. Connolly led the reporters to believe. Mr. Cohalan probably did say "arragoid saois," and he pronounced it about as Mr. Connolly's testimony led the official reporters to spell it. Mr. Connolly's translation of Mr. Cohalan's meaning was more accurate, however. Literally, "arragoid saois" is "silver down," which is equivalent to Mr. Connolly's translation, "Come down with the cash." "Arragoid saois" (silver down) appears to be exactly analogous to the common American expression "spot cash." According to Mr. Louden, "arragoid saois" is an expression which is used frequently in Ireland where payment for anything is involved. It is one of the survivals of a dead language that is heard at fairs, and markets, and at the sale of live stock, where prompt payment is an essential factor. But whether "arragoid saois" shall be translated "silver down," or "spot cash," or in the Connolly way, "Come down with the cash," it matters little. We will know what a Tammany politician, or any other politician, for that matter, means when he says "arragoid saois" to a business man. We perhaps need the addition of "arragoid saois" to our vocabulary to fit our political times. When Joe Allds, of glorious memory, met Conger in legislative halls, he should have whispered "arragoid saois." Senator Stilwell, of later times, might have worked wonders with "arragoid saois." We

have had "arragoid saois" legislators—too many of them. Perhaps we have them yet. One may be pardoned for asking if the same class of men slip onto the bench, and if they do get there through the devious ways of politics, are they to be allowed to continue to wear the ermine when their "arragoid saois" character becomes public knowledge?

A Brooklyn paper had a word to say on the subject:

*Cohalan's "Arragh-a-ches?"*

So far as we know, the good old Gaelic tongue has never before been mixed up in graft evidence. John A. Connolly swears that six months after Cohalan's alleged agreement to get city contracts for him at 55 per cent. commission for Cohalan, the legal adviser of Charles F. Murphy approached him with the demand, "Arragh-a-ches?" translated for the benefit of inquisitors with "Have you any money?" or "Come down with the cash." The present Justice of the Supreme Court, according to the news dispatches, "leaned forward with a grin on his face" at this testimony. Less pleasant humor was developed when the accusing witness swore that Cohalan had demanded and secured the destruction of the record of the agreement with Connolly, declaring that it was "a case for the Grand Jury."

This is all testimony on one side. It is to be answered. It may be rebutted. Daniel F. Cohalan is entitled to a fair trial. Nobody has a right to jump to the conclusion that he is guilty of acts which, though not committed since he has had a place on the bench, are indicative of moral standards unworthy of a judge. But the investigation is not a laughing matter unless, as the Tammany politicians say, the outcome has been determined in advance.

*The Eagle* regrets that the Bar Association may only cross-examine witnesses, and may take no part in the direct examination. But we have steadily preferred to believe that Senator Murtaugh, the committee chairman, or Robert F. Wagner, majority leader in the Senate, would not "stand for" whitewashing, whatever Charles F. Murphy might desire. To that belief one is justified in holding, until grave unfairness has developed. Nothing of that sort has appeared as yet. That is the simple truth.

Along with many others, a New York city paper took up the phrase:

*Evening Telegram.*

Sincerely hope the Moving Picture Trust isn't overlooking the Cohalan-Connolly investigation, and that there was a talking machine working when Mr. Connolly pronounced "Arragh-a-ches."

It spread even to the current advertisements:

**ARRAGH - A - CHES**

(Come down with the cash)

and you can have them at "Your Own Price."

That, in effect, is what the manager of this lot of suits said to us—and we ARRAGH-A-CHES-ED all right—but, believe us, at our own price, indeed—and that's one good reason why we offer

**$25, $22, $18, and $15 Suits at**

**$9.50**

For Men and Young Men—Ready-to-Wear.

Blue and Gray Pencil Stripes, Plain Grays, Gray Mixtures, Black-and-White effects and checks; with Patch Pockets, etc.

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These scattered editorials and comments, from Albany, Brooklyn, and the great city of New York itself, and the readiness with which the demand was hailed as fitting and pertinent, are significant enough in themselves to furnish the name for the book.

# CHAPTER II.

## A TRIBUNAL OF LAWYERS.

The suave and imperturbable Mr. Stanchfield, when expressing his satisfaction that legal ears formed his audience during the Cohalan-Connolly controversy, made use of the following words: "In speaking to a tribunal—and I am glad that it is true—composed of lawyers." To make a better sentence of it, and its purport clearer, Mr. Stanchfield's pleasure may be worded thus: "I am glad that I am speaking to a tribunal composed of lawyers."

To the average lay mind, absorbed in its every-day activities, such a remark means nothing at all. But suppose that lay mind to be involved in a weighty legal battle, and ever alert for any rumor of strange, mysterious influence which may turn the tide against him. Such a complacent statement, falling from the lips of the antagonistic lawyer, would instantly become quick with a hidden meaning. "Why?" the lay mind, isolated in the midst of legally-trained minds—without a lawyer to represent it—would ask itself. "Why is the opposing lawyer glad that he is presenting his specious argument to a body of lawyers?" It must be that he is sure to gain something by an appeal to the legalistic, critical, analytical mind-process of the lawyer, rather than the well-balanced, conscientious intelligence of the layman.

As a matter of fact, that is what happened. Something was gained—a great deal was gained—in that this advance foreclosed a real investigation of the truth and manœuvred the facts down to a purely legal proposition. The "tribunal" ceased to be a body of earnest men and loyal citizens, pledged to determine whether petty meanness had corroded its way to a high place; they forgot that their business was to sift right from wrong and act accordingly for the supreme welfare of the State and its people. After the defendant was found wrong, or "mistaken," by his own admission, they accepted the attitude which proclaimed its own guilt and deliberately set their legal minds to the technical task of discovering how he could "get away with it." And being lawyers, they found a way.

If such a "way" is indicative of future decisions in similar cases, one cannot contemplate the 1913 farce inserted in the

otherwise dignified annals of the State without disquiet. By submitting a plea to the legal apprehension of a body of lawyers you extract every atom of ethical vitality from a case and make it a dried herring of form. They are concerned, not with the kernel of the investigation, but with whether the nut-pick be well plied. Their desire to arrive at the truth is lost sight of the minute their attention is riveted by the cumulative steps in a line of argument displayed by a kindred mind. They consider, not whether the culprit shall be punished, but whether his defense is a brilliant and clever one, and the points well taken. They are simply lawyers digesting technical fodder, and do not realize that the people of New York State depend on them to sweep the bench of self-seeking and unreliable judges, no matter what disposition the judges may naturally show to cling to the bench. One biased decision by one biased judge in one case may some day cause such a convulsion in our State life as will make the Cohalan investigation seem like a small boy's spring spasm.

"We never take things seriously until they happen to us." The personal agony of injustice makes one keenly aware of existing evil conditions and tendencies. When the State, as an individual, comes to know that its honor is trifled with, its dignity flouted, and its authority mocked, a way will be found to speedily depose judges who are unworthy to wear the ermine, without consulting the opinions of legal minds. Such a burlesque as "Justice" starred in when the "tribunal of lawyers" staged her, might well be termed in engineering phraseology, "the orifice of the influx," in which a large body of momentous facts rushed unavailingly against the small opening of restricted assimilation.

## CHAPTER III.

### THE TAMMANY DYNASTY IN DISINTEGRATION.

The year 1876 marked the first centennial birthday of our glorious Declaration of Independence. As though to test the validity of that birth-certificate of our national life, the same year saw two other important events. The first was an Indian outbreak, a conflict made sadly memorable by the massacre of Custer and his brave band of troopers

on the Little Big Horn. The second epoch-sealing occurrence was a presidential election which resulted in a weird controversy, putting our institutions to one of the severest tests they have ever been called upon to endure. Both of these clashes were national in scope and were the last of their kind.

Before a second hundred years had passed, however, a stealthy movement was well under way to strangle that spirit of freedom in the most populous of the States created under the old document. Its perception and annihilation is recent political history.

In 1913 in the Empire State there was recorded a violent outbreak ("some call it 'Uplift'") among the Tammany Tribe of Indians which revealed to the sane settlers the schemes on foot to take the scalp of Independence and hang it to the belt of Expediency. They discovered that the State enemy had entrenched itself with absolute political power from Montauk to Dunkirk, State-wide in every respect; during the summer months, if it became necessary to do a little international or even trans-Atlantic scouting, their prowess prompted the establishment of wireless stations between Good Ground and Glandore, the summer wigwams of two of the Chiefs. When the irate settlers revealed the strength of the camp by the flaming pine-knot of publicity, they found that three of its bucks—"Steve," "Dan," and "The-Same-Old-Bill"—were also sitting with the pale-faces in three branches of government, respectively, Legislative, Judicial, and Executive. Countless braves deserted the camp, or hit the trail for safer hunting grounds, and the few of the faithful who called at the teepee of their fathers on Fourteenth Street found a "Nobody Home" sign decorating the Old Wigwam.

It is not the author's object to go over the countless reasons that brought utter rout and defeat to the so-called Democratic Organization; pre-eminent among those causes are the conviction of Senator Stilwell, the investigation of Justice Cohalan, and the impeachment of Governor Sulzer. The Tammany Indians found that to strike at the heart of American liberty, whether state or national, is still a hazardous undertaking. After examining the many bound volumes in the Legislative Reference Section of the New York State Library for the year 1913, it is found necessary

to review only one for the sake of posterity, and to see whether a "Tribunal of Lawyers" (thirty-five in all) can "put anything over" on a layman for purely political reasons.

James Russell Lowell once said: "What I wish is that good, sensible men, and honest men, should act together on certain points, and stand outside of all parties until they accomplish those points. . . . Party organization is no doubt a very convenient thing, but a great many people feel, and I feel very strongly with them, that when loyalty to party means disloyalty to country, and means what, it seems to me, is still worse, disloyalty to conscience, it is asking more than any good man or citizen should concede."

This is sound political doctrine, and the spirit of Independence is still active and abroad in the land; the tocsin has been sounded that the Independents are the balance of power by no less an authority than Woodrow Wilson, the ruling Democratic President of the United States, in his speech at Indianapolis on Jackson Day—January 8th, 1915.

Regardless of party, regardless of platform—whenever a threatening move is made which jeopardizes the life or liberty of any or all the United States of America—true "Justice" springs full-grown from the thinking faction of the masses and meets it with uplifted sword.

## ONE OF THE TAMMANY BRAVES BLAZES HIS OWN TRAIL.

### Patrick J. McNulty Tells of Committee's Visit to Murphy.

Patrick J. McNulty, to whom Mr. Connolly makes frequent reference in his statement, who was one of and in fact was the organizer of the committee that called upon Charles F. Murphy on the night of March 8, 1909, to lay before the leader of Tammany Hall the story of Daniel F. Cohalan's interest in the profits from Connolly's city business, confirmed Mr. Connolly's statement fully when seen by a reporter for *The World.*

"I had never met or heard of Mr. Connolly before Patrick Gallagher, an old friend of mine, called at my house on the night of Sunday, January 31, 1909, to tell me about him," said Mr. McNulty. "Mr. Gallagher had seen Mr.

Connolly earlier in the evening and had learned the whole story from him, and he was very much wrought up about it. At that time, I may say, Mr. Gallagher did not entertain such friendly feelings toward Daniel F. Cohalan as he has since developed.

*Connolly's Story Shocked Them.*

" 'We've got this man at last,' he said to me after first mentioning Mr. Cohalan's name. 'He's been grafting on our own people long enough and it should be stopped. But I believe we have him at last. A business man, a member of the Catholic Club and the Friendly Sons of St. Patrick, one of our own people, told me a story to-night that is horrible if true.'

"I'm giving you Mr. Gallagher's own words; so if they seem at all exaggerated, you must attribute it only to his intense indignation at the moment," said Mr. McNulty, interrupting the thread of his story.

"Who is the man?" I asked.

" 'You wouldn't know him, Mac,' he replied. 'But his name is John A. Connolly and he is a friend of mine. He's a sub-contractor for me on the Board of Health Building in Brooklyn. And he tells me that he's had to pay Daniel F. Cohalan 55 per cent. of the profits from all the city work Cohalan got for him.

" 'He came to me to-night because when he went to see Cohalan a while ago Cohalan wouldn't receive him and sent out word he'd never see him then or at any other time. And the man is in financial difficulties, Mac, and we have got to help him. What will we do? He's a very respectable family man, and I believe every word he says. What will we do? Should we tell Charley Murphy?'

"I might mention that Mr. Gallagher was a heavy contributor to the 'Hall,' and for that reason I thought he might have some influence with Mr. Murphy, although my acquaintance was longer and more intimate. I listened to Gallagher and then I said:

" 'I don't believe Murphy would stand for that if he knew it, and Dan Cohalan the Chairman of the Law Committee and the Grand Sachem. But first we must have a written statement from this man Connolly. Get that to-

morrow, setting forth just what his dealings with Cohalan have been.'

"Gallagher said that he would do so, and the next day or so telephoned me that he had such a statement. We lunched together that day and I read the statement and found it satisfactory. Gallagher said:

"'Will you take this to Mr. Murphy, Mac?' and I answered:

"'No, Pat; it's your matter—you take it up with him and I'll back you up.'

*Committee Arranges to Call.*

"We had several further talks about it, but the Monday following, I think, I said to Gallagher:

"'If Murphy doesn't make this man Cohalan give up every cent of this money, then we'll take a committee of members of the Ancient Order of Hibernians, good, strong organization men, and contributors, too, and we'll tell him that if he doesn't make Cohalan pay up and set him aside as a power in the Hall, we'll be against Murphy in the forthcoming Mayoralty campaign.'

"Gallagher saw Murphy and reported that he had found him 'very cold and not at all pleased.' Gallagher was quite worked up over his reception—he had read Connolly's statement to Murphy.

"'We'll see what he has to say to a committee,' I said. 'That's our next move. I'll arrange for the committee to call on him. You, Gallagher, get Pete Brennan and John Treacy, both good, responsible men in the building and contracting line, and I'll get Tom Kelly and Peter Lennon.' Mr. Kelly was then County President of the Ancient Order of Hibernians, and I wanted the head of that organization on the committee.

"'I'll make the appointment,' I said, 'and the committee will meet at my house and we'll all go down together.' Gallagher agreed and he got his men and told them the circumstances, and I did the same with mine. All agreed that it was a proper subject to bring to the attention of Mr. Murphy.

"The Ancient Order was preparing for its regular parade on March 17, and when I called Mr. Murphy on the telephone and told him that a committee of our organization

wished to wait upon him, I think he thought we were going to formally ask him to head the parade. However, he said to come see him that evening at 8 at his house, No. 305 East Seventeenth Street, and we were there on time. It was the night of March 8.

### *Murphy Wouldn't Believe It.*

"We sat in the parlor until he had finished supper, and when he came into the room we had a little time making introductions, for he didn't know Kelly or Lennon or Treacy and barely remembered Brennan.

"But he knew Pat Gallagher and myself well, and he saw right away there was something more serious afoot than an invitation to head the parade. He sat down in a big arm-chair and waited for us to begin. I was the first spokesman.

" 'I regret,' I said, 'Mr. Murphy, that we're here on such a mission as brings us to-night. I don't believe you would permit any one to graft on a member of our order if you knew it, but we're here to tell you that the closest man to you in politics to-day has been grafting on a member of our order.'

" 'Who is it?' Murphy shouted angrily.

" 'Daniel F. Cohalan,' I answered, as polite as you please.

" 'What's he doing?' he cried.

" 'He's been getting 55 per cent. of the profits on city work,' I said.

" 'I don't believe it!' shouted Murphy. 'Anyway, if he did, he's entitled to it—he's a lawyer.'

" 'He's not entitled to use the influence of Tammany Hall in doing it, even so,' I said, 'and far less his influence as Grand Sachem.'

" 'Was he Grand Sachem when this thing went on?' says Murphy, very shrewdly, and I answered quickly:

" 'I believe so—part of the time.'

" 'It's an Irish row!' shouted Murphy, thumping the arm of the chair with his fist. 'It's only an Irish row and I don't want to mix in it.'

" 'I want you to distinctly understand,' said I, getting angry myself by this time, 'that there's no Irish row about it. It's a plain question of your man grafting on a member of our organization who is also a contributor to the Hall.'

" 'I don't believe Dan would do it,' said Murphy, his face getting very red and his fist beating time on the chair.

" 'Well,' I said, 'we have the facts and they were put before you a day or so ago by Mr. Gallagher here.'

*Said They Were Convinced.*

"That brought Gallagher to the front, and he began:

" 'Mr. Murphy, we're here in your interest and in that of your organization as well as in behalf of our own people.'

" 'Isn't it just a fight among your own people?' said Murphy, quick as a flash, and Gallagher answered it was not, just as I had, and went on to tell Mr. Murphy how long he (Gallagher) had been a member of the regular organization and opposed to such methods as we were there to protest against.

"Then Mr. Brennan came to the front.

" 'We are not here,' he said, 'in the interest of any faction, but in opposition to this system, which we are convinced exists. We are anxious to warn you against the political effect of the revelation of such grafting on Mr. Cohalan's part. It seems to me you should call a halt and not allow this man to practice dishonesty of this kind. I have known Mr. Connolly for years as a friend and business associate and I warn you he is an angry and determined man. The result of publicity in such a matter as this, we believe, will destroy both you and Mr. Cohalan.'

" 'Dan's an upright, honest fellow,' replied Murphy, cooling down considerably, for Brennan's voice was very calm, 'and I shall not interfere in this matter.'

"Just then John T. Treacy interjected a remark which made Murphy boil.

" 'I notice,' he said, 'that Mr. Cohalan is busy now handing out hollow tile to the building contractors.'

" 'That'll do for you!' shouted Murphy, his face fairly purple. He shook his finger at Treacy and repeated:

" 'That'll do you—I'll attend to that matter myself.'

"We all saw that there was nothing to be accomplished with Murphy in such a state of mind, and we prepared to go. I remarked as I rose:

" 'If that's going to be your attitude, Mr. Murphy, then we'll be compelled to be against you.'

" 'Why don't you sue him?' snapped Murphy, forgetting himself, for at once we chimed in, all of us, I think:

" 'We'll accept that proposition, Mr. Murphy.'

"He was fairly dumfounded, and started in to say:

" 'Now, gentlemen, I have no interest in grafting, and only the other day—'

"But by this time we were in the hall and making for the door. I was the last one, and Murphy held me back a second, saying:

" 'Mac, if Cohalan owes this fellow any money, why don't he go and demand it of him and lick him if he don't give up, the same as I would, or you either?'

"But I was not to be caught that way. 'This is no Irish quarrel,' I said, 'but the protest of honest men against a system of grafting in your organization and upon your own people.'

" 'You could have done this alone, Mac,' he said, as I reached the door; 'you didn't need to bring down any committee.'

"But I only bade him good-night for an answer, and we all went off. Eight days later they placed an 'unsafe' notice on my own house, and ever since I've had trouble with this or that department that has power over buildings.

"But they couldn't get me to give in, and I went to Murphy, and in Tammany Hall I told him with a thump on his own desk that if this was the only reward men got for coming to him with information about grafters in his own organization, we might as well all be in Russia. His only answer was:

" 'Mac, why don't you spend $10 or so to fix it up?' but I told him I'd never spend a penny, and I haven't, though four years have passed and the 'unsafe' is still against the building."

# CHAPTER IV.

## COHALAN CASE NOT SETTLED BY WHITEWASH.

### Bench and Bar Scores Accused Justice and Points Means of Procedure.

## HE MIGHT BE DISBARRED.

*In That Event He Would Be Disqualified to Serve as a Judge.*

"The report of the Grievance Committee of the Bar Association presents a *prima facie* case against Judge Cohalan of a very unfavorable aspect," says *Bench and Bar,* in what is looked upon as an editorial expression of the views of lawyers in New York upon Connolly's "expose" of the Supreme Court Justice.

"If, in the circumstances as shown," adds the journal, "it would be improper for a layman to become a party to such an agreement (i.e., an agreement to use political influence to procure city contracts for John A. Connolly in consideration of fifty-five per cent. of the profits), we think it would be doubly reprehensible for a lawyer to do so, because we feel that the public has the right to exact higher standards of ethics and morality from lawyers than from laymen.

*"Unfavorable Inferences.*

"In challenging the jurisdiction of the Bar Association, it seems to us that Justice Cohalan took a position concerning which inferences unfavorable to him might be drawn."

The writer points out that long before he was elected to the bench Justice Cohalan became a member of the Bar Association and subscribed to the conditions of the Association.

"Apparently it has not been decided," says the writer, "in this State whether a Justice of the Supreme Court may be disbarred for conduct that occurred before he was elected to the bench; but it has been suggested that while the Appellate Division cannot remove him as a Judge, it still has jurisdiction to remove him as a lawyer. It is further

suggested that since no one except an attorney is eligible to the office of Justice of the Supreme Court, a disbarred Judge would be disqualified and could be ousted from office in an action in the nature of *quo warranto.*

*"Unfit Lawyer, Unfit Judge.*

"If the misconduct were so flagrant as to indicate a lack of that good moral character which must be possessed by an attorney, it would seem clear that he ought to be removed. If one is not fit to remain a lawyer, one is not fit to remain a Judge. On the other hand, if an early act does not involve moral turpitude, or if of a character for which subsequent good conduct might atone, it is hardly conceivable that any tribunal would remove a Judge, blameless as such, from his position on the bench.

"Unless thorough, intelligent, and fearless and free from bias, political or otherwise, a 'vindication' will be more disastrous in the end, in general and in particular, than a finding which satisfies, for a time, the public sensibilities, which are now deeply and justly stirred."—*New York American.*

## CHAPTER V.

### DISAPPOINTED LITIGANT (?).

"Connolly does not come before the Committee with even the suggestion of any proper motive. He does not claim to be moved by feelings of remorse or desire to promote justice," reads a paragraph from the Report of the Committee.

I did not go before the Joint Judiciary Committee as a disappointed litigant for the very simple reason that I had hired Alfred B. Cruikshank, who has practised law forty-one years, on the first case, and Lyman E. Warren, who has been a disciple of Blackstone for forty-five years, on the second. Both are seasoned timber and veterans in many a hard-fought legal as well as bloody battle, for both were soldiers of the Civil War. I am willing at any time to pit their legal acumen against that of Senator-Delegates Foley and Wagner.

There was no reason why I should have been moved by either remorse or regret. Remorse is for something we've

enjoyed, and regret is for something we have missed. I had not enjoyed the deal with Cohalan at any time, no more than any man would "enjoy" parting with his hard-earned cash. Nor had I any cause for regret after the money was paid to the Victor Heating Company, to which it belonged. As for "promoting justice"—far from it! As personified in "Justice" Cohalan, it was my fixed purpose to "demote Justice," and in the future to *Prevent Graft.* I had won my point by two actions prepared with skill for the Supreme Court, and had nothing further either to gain or to lose by an investigation, except that I felt it loyal duty, at any cost to my personal pride, to open the eyes of the great trusting public to what they long suspected, and have now proven to their satisfaction. I should say it was *not* my desire to "promote" such justice. In the words of a fashionable creed, it was my settled determination to "reduce it to its native nothingness" if possible.

In the following quotation from the Proceedings, Justice Cohalan's ideas of Law and Morals will appear by juxtaposition, as he conceived them in the year 1913, and—in the paragraph in bold-faced type on page 25 in the year 1914.

On page 464 of the Proceedings of the Joint Committee on the Judiciary of the Senate and Assembly of the State of New York for the year 1913, we find recorded in Justice Cohalan's answer while in the witness chair:

"Connolly said that in the eyes of the Company, as the money had not been paid to me with the authority of the Company, that it could be said to have been given and advanced to me by the Company."

Question by Mr. Guthrie: "And that was suggested, you say, first of all to you by Mr. Connolly?"

Justice Cohalan: "Yes, I say so."

In the words of Mr. Stanchfield, on another matter, which the author will appropriate bodily—and should he misquote him, will apologize—for I wish to use them as my comment on the above statement from the Justice, and say "that it seems to me that was a very succinct statement of the facts."

To secure work as a contractor for the City of New York, you must under *pressure of politicians* down in Fourteenth Street, agree to turn over 50 per cent. of Corporation stock or 55 per cent. of net profits; then later on, if un-

successful, stand for the clamor of creditors, and if they should hale you into the Supreme Court, a Justice clad in silken gown will listen with due solemnity; later on, in the quiet of his chambers, he will issue a Supreme Court mandate as follows:

**"It is almost unnecessary to state the directors of a Company are charged with the duties of trustees, and are bound to care for its property and to manage its affairs in good faith, and that for a violation of that duty, resulting in waste of its assets, injury to its property, or unlawful gain to themselves, these directors are liable to account in Equity in the same way as ordinary trustees."**

The above paragraph is the "1914-model morale" just referred to, and I concur with its sentiments heartily as being good law and common sense. The quotation is taken from a decision handed down to the directors of the Neuberger-Philips Silk Company some time in the spring of 1914 by Hon. Daniel F. Cohalan, a Justice of the Supreme Court of the State of New York, and in and for the First Judicial District.

To conclude, when I was acting as President and Director of the Victor Heating Company, in caring for its property and managing its affairs in good faith, Grand Sachem Cohalan, in 1909, pronounced the return of $3,940.55 to the treasury of the Company by himself, as "Blackmail," and again in the witness chair in 1913, as "the greatest mistake I ever made in my life." (Page 468 of the Proceedings.)

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*A Challenge to Senator-Delegates Foley and Wagner, and Delegate Blauvelt.*

When I use the word "challenge" I do not mean to question their credentials or dispute their vested right to sit in the Convention. I simply believe that three "Deserving Democrats" could be found in the Fourteenth, Sixteenth and Twenty-third Senatorial Districts to replace Foley, Wagner and Blauvelt and curtail their further feeding at the public trough.

Foley, the first, represents Boss Murphy's district, which includes the Twelfth Assembly District, where the fraud

made possible this Convention, and was used to bring together this great body for this year. As for the Sixteenth District, I am advised that one of the prime requisites for a Progressive Democracy is a continuous semi-jag, which brings on a mixture of twilight sleep and sunrise slumber and finally results in what is locally known as "Dementia Cosgrovia." As for the Twenty-third (Rockland), the notorious mismanagement of this district compelled its citizens *en masse* to seek redress for intolerable political conditions, which they called personally to the attention of the Governor last January. He advised them in no uncertain terms to take the rake and shovel, and get the broom and mop from behind the door if necessary, and clean and scour their Augean Stables. This should dispose of Blauvelt for all time as a disciple and beneficiary of a corrupt political oligarchy. In how far the ex-Senator is responsible for the stench in his own county, he alone knows.

Since then I note that he makes one of a politico-legal triumvirate, consisting of Messrs. Carmody and Kellogg—all operating from and snuggling under the protecting wing of the Superintendent of Banks, another political disciple and "Deserving Democrat" from the Twenty-third District, Richards, of Richmond.

These men, Foley, Wagner and Blauvelt, who were members of the Joint Judiciary Committee, say in their report on Page 520 that "the note for $4,000 was legally enforcible and that the estoppel affidavit contained no false statement." It appears on Pages 170 and 171 of the Proceedings that the estoppel affidavit annexed to the note was actually altered by striking therefrom the words "to the knowledge of deponent," and this was done in Cohalan's office in my absence and without my consent (see Page 441). It therefore actually appears from the corroborated testimony and documentary proof that the findings of the Joint Judiciary Committee, signed among others by Blauvelt, Foley and Wagner, is not supported by a particle of evidence, but is a direct contradiction of the printed record. This finding can be characterized only as a lie fabricated out of whole cloth.

# CHAPTER VI.

## "SQUEALERS," INFORMERS AND THE GAELIC-AMERICAN.

Immediately a trial of the first order has been listed, information, sought and volunteered, appears like magic in response to the political distress signal, and often from amazingly obscure and unlikely sources. Haphazard social remarks, idle reflections and observations made to supposed "friends" are twisted beyond recognition, loaded with an unthought-of significance, and sharpened to the party's interests with the cunning of the serpent's eye and tooth.

In the Cohalan investigation Mr. Stanchfield made much of the "Larney Brothers"—the first being one Thomas Larney, whom he stated that he did not know. He did admit later that he knew Tom's given name, as I had identified William Larney and the meeting in City Hall Park for him. I will merely state that I certainly met a "pair of squealers" in "Tom" and "Bill." Subsequently "Bill" was indicted by a New York County Grand Jury.

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Third-rate newspapers are induced to take up the hue and cry and confine their puny efforts to petty personal attacks. A man's financial status is pried into. With a scheme worthy of a shrewder race they figure that the quickest way to subdue an opponent is to reduce him to poverty and destroy his credit. The letters which follow in this chapter are self-explanatory as to the methods employed.

June 24th, 1913.

Attention of Mr. Eastman.

The Nineteenth Ward Bank,
57th Street and Third Avenue,
New York City.

Gentlemen:

In the Gælic-American, a newspaper published in this city, under date of June 21st, 1913, in an article about the writer, it states: "The Nineteenth Ward Bank secured a judgment against him (the writer) for $132.46, on a promissory note." I do not owe your bank any money that I can recall, nor can I remember a judgment for $132.46

on a promissory note. I have certainly never been served by your bank in any action, and if I do owe you any money, send me an account stated. If you find that I do not owe you any money, will you kindly oblige me by stating that I do not owe you anything; nor did you ever get a judgment against me.

Very truly yours,
(Signed) JOHN A. CONNOLLY.

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THE SECURITY BANK OF NEW YORK.
(Letterhead Shield)

Fifth Avenue and Fourteenth Street.

Monday, June 30th, 1913.

JOHN A. CONNOLLY, ESQ.,
251 West 91st Street,
New York City.

Dear Sir:

Your letter addressed to the Nineteenth Ward Bank, attention Mr. Eastman, has been referred to me. I have looked up the old records of the Bank and find that judgment was obtained in the Municipal Court, Borough of Manhattan, Fourth District, on June 30, 1910, and docketed in the office of the County Clerk, New York County, on July 1, 1910, for $132.46, in favor of the Nineteenth Ward Bank, against the Victor Heating Company, and John F. Sayward Company, and John A. Connolly, and that the docket of the County Clerk's office does not show that the judgment has ever been satisfied, but according to our books the bank was subsequently paid in full, and therefore you do not owe the Nineteenth Ward Bank anything at the present time.

Yours very truly,
(Signed) BRADLEY MARTIN.

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New York, December 27th, 1913.

THE GAELIC-AMERICAN,
165-167 William Street,
New York City.

Editor of the Gælic-American:

Sir: In your paper dated June 21st, 1913, on second page, second column, headed "POINTS ABOUT CON-

NOLLY," I desire to say a word in your columns. If your information was based on the reliable (?) authorities which you quoted and gave publicity to of the false and misleading statements therein, which must have already appealed to you through the visit of Mr. Kiernan to your office. However, should you not wish to show up your errors and bias voluntarily, I quote herewith the letter in full of Lawyer Sykes, which you published in that array of untruthful statements, and my answer, to-wit:

"A letter sent by Henry W. Sykes to Mr. Einar Chrystie, Secretary of the Grievance Committee of the Bar Association, and dated June 10th, 1913, says:

" 'Referring to the charges against Judge Cohalan made by one John A. Connolly, I beg to inform you that my office records show that the Victor Heating Company, of which Connolly was President, gave two certain checks, for $44.16 each, to Thomas F. Cushing Company, drawn on the Colonial Bank and dated Nov. 23rd, 1909, which checks were returned N. G. and were never paid.' "

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Here is my answer to Mr. Sykes:

December 24th, 1913.

Mr. Henry W. Sykes,
346 Broadway,
New York City.

Sir:

Last June you sent a letter to Mr. Einar Chrystie, Secretary Grievance Committee of the Bar Association, which reflected on me and was untrue and misleading. Mr. Chrystie showed me the letter at the time, and while neither of us gave it out for publication, it did appear in an issue of the Gælic-American of June 21st, 1913, showing conclusively the animus back of the letter and the connections you had at the time, and it requires no apperception to realize it.

I beg to inform you that the Victor Heating Company, of which I was and am President, gave two certain checks, for Forty-four and 16/100 ($44.16) Dollars each to Thomas F. Cushing Company, drawn on the Colonial Bank and dated November 23rd, 1909, which checks were honored and paid, as were **Five Hundred and Sixty-nine**

**Thousand and Thirty-eight and 38/100 ($569,038.38) Dollars** in varying amounts during my business career as Heating Contractor. You, therefore, uttered an unconscionable lie over your own signature when you left the impression that the Victor Heating Company owed Eighty-eight and 32/100 ($88.32) Dollars to the Thomas F. Cushing Company, which they do not.

These are the *facts* as stated, and unless proper retraction is made, I shall consult counsel immediately.

So much for that. Mr. Thomas F. Cushing bore the same relation to the Thomas F. Cushing Company that I bore to the Victor Heating Company. Mr. Cushing subsequently failed and filed a petition in bankruptcy April 22nd, 1911, with debts amounting to One Hundred and Thirty-four Thousand Dollars ($134,000.00), and no assets; you were careful not to mention the above in your letter about *your* client.

Yours, etc.,
(Signed) JOHN A. CONNOLLY.

As you graciously withdrew Point Sixteen (16) in your issue of June 28th, 1913, and stated: "The Gælic-American will be happy to record any other payments that Connolly may make," I now give you the opportunity in your next issue to give full publicity on Point One (1), and if you want further proofs, they are ready.

Yours, etc.,
(Signed) JOHN A. CONNOLLY.

No answer to the above was ever received, nor did any record appear in the Gælic-American. At about that time the paper and the editor were made "unhappy" by the loss of Surrogate notices on a ruling from the Appellate Division, First Department.

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## SYKES SIGHS AND SCENTS RECEIVERSHIPS —AND REFEREESHIPS, POSSIBLY?

December 24th, 1913.

MR. HENRY W. SYKES,
346 Broadway, New York City.

Sir:

Last June you sent a letter to Mr. Einar Chrystie, Secretary Grievance Committee of the Bar Association, which reflected on me and was untrue and misleading. Mr. Chrystie showed me the letter at the time, and while neither of us gave it out

for publication, it did appear in an issue of the Gælic-American of June 21st, 1913, showing conclusively the animus back of the letter and the connections you had at the time, and it requires no apperception to realize it.

I beg to inform you that the Victor Heating Company, of which I was and am President, gave two certain checks for Forty-four and 16/100 ($44.16) Dollars each to Thomas F. Cushing Company, drawn on the Colonial Bank and dated November 23rd, 1909, which checks were honored and paid, as were **Five Hundred and Sixty-nine Thousand and Thirty-eight and 38/100 Dollars ($569,038.38),** in varying amounts during my business career as a heating contractor. You, therefore, uttered an unconscionable lie over your signature in your letter when you left the impression that the Victor Heating Company owed Eighty-eight and 32/100 ($88.32) Dollars to Thomas F. Cushing Company, which they do not.

These are the *facts* as stated, and unless proper retraction is made, I shall consult counsel immediately.

So much for that. Mr. Thomas F. Cushing bore the same relation to the Thomas F. Cushing Company that I bore to the Victor Heating Company. Mr. Cushing subsequently filed a petition in bankruptcy April 22nd, 1911, with debts amounting to One Hundred and Thirty-four Thousand Dollars ($134,000.00) and no assets; you were careful not to mention the above in your letter about *your* client.

Yours, etc.,

(Signed) JOHN A. CONNOLLY.

HENRY W. SYKES, COUNSELLOR-AT-LAW.

(New York Life Building)

346 Broadway, New York. Telephone 23 Franklin.

December 27th, 1913.

JOHN A. CONNOLLY, Esq.,
251 West 91st Street,
New York City.

Dear Sir:

I am in receipt of your letter of the 24th inst. The letter I sent to Mr. Chrystie was a confidential communication concerning a matter of public interest at the time the letter was forwarded to him. The records of my office show that the checks referred to in said letter had not been paid at the time the letter was written, but if you can show me that I was misinformed, I shall be glad to correct my statement contained in said letter.

I know nothing about any article in the Gælic-American; I never heard of that paper until you mentioned it in your

letter, and said paper did not obtain the information from me or from my office.

Very truly yours,
(Signed) HENRY W. SYKES.

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December 30th, 1913.

MR. HOWARD TOWNSEND,
27 Cedar Street,
New York City.

Dear Sir:

Relating to the letter which we discussed yesterday, which Lawyer Sykes sent to Mr. Chrystie last June, and which letter was published in the Gælic-American at that time; as Mr. Sykes was quite convincing in denying that he ever heard of the Gælic-American until I mentioned it in my recent letter to him, and on the face of it, it looked as if there might be a leak among some employees of the Bar Association, but after listening to your statement about Messrs. ——— and ———, I became satisfied that it could not occur, and I think I have solved the problem.

It is this. Lawyer Sykes probably sent a copy of the letter to Justice Cohalan, and he in turn forwarded it to the belligerent editor of the Gælic-American, John Devoy.

I think I am fully competent to run this down and get Mr. Sykes to admit that he did such a thing.

Yours very truly,
(Signed) JOHN A. CONNOLLY.

---

December 31st, 1913.

HENRY W. SYKES, Esq.,
346 Broadway,
New York City.

Dear Sir:

I have your letter of the 27th inst., and note its contents.

From my experience with the Association of the Bar, City of New York, no matter of a confidential relation between an attorney, giving alleged information on a matter of public import, would be given out for publication by that body. Hence, I must look to you for the authorship of the Gælic-American story, and expect an explanatory reply as to its publication.

I repeat the closing lines of the last paragraph: "Said paper did not obtain the information from me or from my office."

From whom, or what office, did it receive it, or what person did you favor other than Mr. Chrystie of the Bar Association, with a copy?

Very truly yours,

(Signed) JOHN A. CONNOLLY.

Mr. Sykes has *not yet* replied.—*The Author.*

## CHAPTER VII.

### "THE EVENING FE-MAIL."

The attacks in the Gælic-American (and, incidentally, why the "American"?) are self-explanatory by reason of their inane irrelevance. They represent racial clannishness, *political thumb-screwing,* and mistaken religious fervor excited to the "n"th power; Mr. Cohalan has been interested in it since its inception. Its labored hostility was so obviously prejudiced that the tedious business of discovering their devious ammunition bases were not worth the while.

But when the "Evening Mail," rated as a virile, full-grown sheet, wrote two excellent editorials and then exercised the feminine prerogative of changing its mind at the eleventh hour, before the Legislature had voted on Justice Cohalan's guilt or innocence (thereby committing "majestatsbeleidigung"), and became a rabid "anti," one wonders why it did not at the same time borrow the intuitive sixth sense and feminine clairvoyance. It "spoke its little piece" just a bit too soon on Jurymen, for not only twelve men, good and true, but twice twelve men, plus two (twenty-six legislators in all) voted the Justice guilty.

The article, though superlatively uncomplimentary, is mentioned to illustrate the unexpected abuse rained on a man who dares to challenge a Supreme Court Justice clad in the inviolable black gown, and give measure for measure dealt him.

And this is the paper that forged to the front as the organ of the Progressive Party!

*A Card From John A. Connolly.*

*To the Editor of The Evening Mail:*

Sir: Sufficient "cooling time" having elapsed since your editorial, entitled "The Cohalan Verdict," that appeared in The Evening Mail on July 14, 1913, I now desire in a spirit of fair play and accuracy to take direct issue with your very palpable error when you state, "With the $4,000 in his (my) pocket, he then turned to one newspaper after another to sell his 'story.'"

The above in its entirety is an unconscionable lie. Here are the "undisputed facts," not distorted in the slightest degree, and they will remain so because they cannot be controverted in any form by any living human being:

The $3,940.55 was never in my pocket; it was extorted from the coffers or "pocket" if you will, of the Victor Heating Company by practically continuous threats. Blackmail would be a harmless epithet to use in the cunning devised to secure it.

As executive head of the Victor Heating Company, I hired a responsible law firm to bring an action in the Supreme Court for its recovery. One of the chief functions of this court, I believe, is for such purposes. I was successful in the litigation and every cent of the money recovered, less attorney's fee, was used to pay the debts of the company.

Commendation rather than condemnation on your part should be your honorable dictum. You can certainly make a sworn affidavit, or solemn affirmation, that I never turned to you to "sell a story," nor can you produce any evidence, legal or otherwise, from any newspaper proprietor in this or any other city, that I had offered to "sell a story," or any person acting for me.

I therefore request that you give this letter publication in as prominent a place as the editorial justly complained of.

I remain Very truly yours,

Jno. A. Connolly.

November 7, 1913.

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My attorney has advised that I sue Mr. Stoddard, or his corporation, for libel for the offensive article, but I have steadfastly refused. The above card appeared later in

all editions of the "Evening Mail," and when one is permitted to call an editor an unconscionable liar on his own editorial page, I "sat back in my chair and chuckled," to borrow the words of the distinguished President of the United States.

## CHAPTER VIII.

### "HIS HONOR THE MAYOR" AND "LEGAL SERVICES."

Even the present Mayor of the great city of New York expressed his snap judgment in an adverse comparison, thus adding his mite to that of the turn-coat pen-pliers. A remonstrance was sent him:

VICTOR HEATING COMPANY.
NEW YORK CITY.

October 9th, 1913.

HON. JOHN PURROY MITCHEL,
Collector of Port, Custom House,
New York City.

Dear Sir:

A very staunch and dear friend of mine mentioned casually to me last evening that you had said something in relation to the above company, and it appeared in the "Sun" or "Evening Sun."

This morning I immediately looked up the files and found in the "Evening Sun" of Monday, October 6th, the said article, and I quote the part that is of interest to me:

"We shan't have contracts handed out to 'Victor Heating Company' or fake Metropolitan Supply and Equipment Companies. Every business transaction of every department will be a *bona-fide* business transaction."

"I can give you enough details to fill an edition."

As I dictate this letter, there are on my desk three bound volumes of testimony, Ahearn investigation, conducted by the Commissioner of Accounts (John Purroy Mitchel). I know, of course, that you took a decidedly prominent part in the investigation, and I am thoroughly familiar even with the ball-game incident of the President of the Metropolitan Supply and Equipment Company, also District Attorney Jerome's activities at that time against

the said Company. Inasmuch as you, *Chief Investigator,* at that time could not find anything disreputable in the business of the Victor Heating Company, of which I was the head, I object strenuously to having this Company put in the same category with the other Company. My company was never mentioned in that investigation, and the only reason I can give now is that every transaction that I had with any department connected with the city of New York was legitimate and *bona fide.*

This summer, when it became necessary for the Association of the Bar of the City of New York to engage in the Cohalan investigation, a certified public accountant, Marvyn Scudder (a very warm friend of yours), was employed to go over the books of the Victor Heating Company, and he gave them a satisfactory report.

I feel that I can give enough details this year to fill many an edition in fighting the same people that you are in a **political death struggle** with at the present moment.

Finally, I can say that the State Legislature, though I am not at all impressed with it, gave the Victor Heating Company a clean bill of health. Under these circumstances, as mentioned above, I think commendation rather than condemnation on your part should be your honorable dictum.

I am not at all thin-skinned about criticism, but I do believe in a spirit of fair play and accuracy. I am doing all that I can in a *"bona fide"* manner to make you the next Mayor of the city of New York, and I will continue to do so for many reasons.

Believe me

Sincerely yours,
(Signed) JOHN A. CONNOLLY.

---

(Official Emblem.)
Office of the Collector.
TREASURY DEPARTMENT.
United States Customs Service, Port of New York.
October 11th, 1913.

MR. JOHN A. CONNOLLY,
New York City.

Dear Sir:

Mr. Mitchel desires me to say to you, in reply to your letter of the 9th instant, that in mentioning the Victor Heat-

ing Company in a recent article, he was of the impression that Judge Cohalan was paid somewhere in the neighborhood of 55 per cent. of the net profits arising from certain city contracts between the Victor Heating Company and the Bureaus of Buildings, and Water Supply, and Gas and Electricity, and that you so testified at Albany; furthermore that it was his impression that the books and records of the Victor Heating Company showed such payments in the form of commissions, and that you had intimated that Judge Cohalan had received payments from you in return for obtaining such contracts with your company. In addition, he understood that Judge Cohalan had acknowledged money transactions with the Victor Heating Company, but that his conviction was that these were in payment of legal services, and that you had claimed otherwise. If he has been mistaken in these suppositions, he would be glad to hear further from you on the subject.

Respectfully yours,

(Signed) B. de N. Cruger.

Private Secretary.

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October 14th, 1913.

Hon. John Purroy Mitchel,
Collector of the Port,
Customs House, New York City.

Dear Sir:

Your favor of the 11th inst. from your private secretary at hand. I thank you for the courtesy of such a prompt reply. You evidently have not read the testimony, unless in the newspapers. I maintained, and was sustained in it, that D. F. Cohalan did receive 55 per cent. of the net profits for his political influence.

Under those circumstances, and from what I know, and what your intimate friends state, you would not and should not make the defunct Victor Heating Company, or the writer, a "goat" for the benefit of an unscrupulous "grafter."

Very truly yours,

(Signed) John A. Connolly.

---

Nothing more was said about the Company in that campaign, and it did not "lie in the mouth" of Candidate Mitchel then to state that the Victor Heating Company

was a "fake" concern. It put good labor and material into every job, which was attested by the comparatively small profits that the Company derived from the transactions. If it had been a "fake" concern, and had furnished shoddy service, the net profits could have been made much larger, and the "impatient member of a patient race" need not have complained of their being "small change."

That the Mayor recently lent his individual and official shoulder in the establishment of the "Hotel de Gink" would indicate that he has had a change of heart toward the fellow men who chance now and then to get desperately "on their uppers." When *Jeff Davis* startled the *war-dazed public* by opening a neat and natty hostelry for sundry "broke" but willing hoboes, Mayor Mitchel expressed his approval and gave them a boost by declaring himself as Abou Ben Adem to the Angel: "Write me as one who loves his fellow men." I am glad that thinkers who are also men of action are coming to the fore with solutions for the problems which perplex the city proper, and have come to realize that you cannot teach a man ethics, financial or social, on an empty stomach.

Now that I have eulogized him for his service to the "Down Trods," just as I criticised him in Book One for making an alliance with the "Arch Uplifter, Glynn," in the last campaign (and no doubt before many moons he will attach himself to the other Uplifters in Tammany Hall), I will give for his benefit a *Calendar of Cases* in which I hired lawyers and paid them willingly for services rendered and in addition, as the Joint Judiciary Committee took the view of Justice Cohalan's high-priced quartet of lawyers, that legalistic services were rendered to Mr. Connolly and the Victor Heating Company in cases where no bill was rendered or receipts given, it is well to place here in black and white the lawyers I did engage during the ten years of the corporate life of the Victor Heating Company:

1. **William Temple Emmet, Esquire, New York.**
   (Matter of incorporation of Company.)

2. **Arthur Knox, 198 Broadway, New York.**
   (Matter of Braker residence, Elberon, N. J.)

3. **McKenna & McKenna, 20 Broad St., New York.**
   (Matter of Guiges residence, Perth Amboy, N. J.)

4. **R. P. Wortendyke, Jersey City, N. J.**
(Matter of Stoddart residence, Englewood, N. J.)

5. **Quinn & Southard, 41 Park Row, New York.**
(Matter of Nurses' 57th St. Registry Building.)

6. **Hon. John Patrick Cohalan, 277 Broadway, N. Y.**
(Matter of Gray residence, Flushing, L. I.)

7. **Van Ness & Van Ness, 220 Broadway, N. Y.**
(Matter of Federal Leather Co.'s factory, New Rochelle, N. Y.)

8. **Beatty, Blackstock, Fascom, Cowan & Chadwick, Toronto, Canada.**
(Matter of Power and Heating Plant, New Clifton Hotel, Niagara Falls, Canada.)

9. **Denis O'Leary Cohalan, 220 Broadway, N. Y.**
(Matter of Injunction.)

10. **Graham Witschief, Newburgh, N. Y.**
(Matter of Lake Gleneida, N. Y.)

Not to encumber Book Two with too much dry detail on litigated matters, that were all paid for on rendition of bill for strictly legal services, I will only take up the last case for a detailed explanation.

In relation to my claim against the city of New York as a Commissioner of Appraisal on Lake Gleneida in Putnam County: In January, 1906, Mr. Cohalan and I disagreed on profits in connection with the Victor Heating Company. On February 13th, 1906, I wrote him a letter on the subject of fees in connection with the services rendered by me for the city of New York. I sent this letter, feeling that it might bring us together again, as he would be an interested party, as he was a Commissioner of Appraisal on other properties in Westchester. The closing paragraph of this letter reads as follows:

"I feel that it may become necessary, as I have the best claim, to have you begin suit, and if you will make an appointment for me at your leisure any time after the 17th instant, we can **agree upon terms** and I will lay all facts before you.

"Very truly yours,

"(Signed) Jno. A. Connolly."

This letter was never answered, nor did I see him during the month of February, until we were brought together by Architect Hull the following September, nor did I correspond with him between February and October.

Mr. Cohalan in this particular case testified at Albany, on Pages 477 and 478, that I had consulted him and that he had advised me on this case. In view of the letter I sent him, quoting the last paragraph, it shows I never had an opportunity to consult him, and the subsequent happenings in chronological order will absolutely prove that his statement on the stand was untrue.

Mr. William Temple Emmet, now Public Service Commissioner of the State of New York, I knew understood such cases, and I consulted him between February and April (copy of my letter to Mr. Emmet of April 11th is in existence, and all letters hereafter referred to), in which I stated that Mr. Robert E. Deyo, my fellow commissioner, an astute lawyer and a sagacious man, and myself would call on Mr. Emmet to bring action. Mr. Deyo and I were not in accord on some phases of the case, and on May 3rd I wrote Mr. Emmet about persuading Mr. Deyo.

May 4th Mr. Emmet wrote me advising the three commissioners to co-operate on a law suit. May 5th my letter to Mr. Emmet concurring in his views. May 7th Mr. Emmet's letter to me, after he had seen Mr. Deyo, advising to seek Corporation Counsel Delany on another theory: In other words, to compromise the claim. May 14th a long letter to Mr. Emmet from me. May 15th Mr. Emmet's letter to me advising to adjust in non-litigious way and withdrawing from the case. May 15th my letter to Mr. Emmet asking for a bill for professional services.

The matter dragged along until September, 1906, when I hired Lawyer Graham Witschief of Newburgh, New York, to bring an action against the city of New York.

On October 4th, 1906, I signed the complaint in said action and I was successful in the suit. On November 28th, 1906, Mr. Witschief rendered a bill for $150.00, of which a copy is herewith given. This shows that he was paid on December 1st, 1906.

This ends this particular case, and where Mr. Cohalan figures in it under any interpretation of law, truth, or facts, is beyond me!

Newburgh, N. Y., November 28th, 1906.

*Mr. John A. Connolly*

To GRAHAM WITSCHIEF, Dr.
Brewster Building.

| | | | | |
|---|---|---|---|---|
| | | To services in taxation of fees of Commissioners in Carmel or Lake Gleneida proceedings, | 150 | 00 |
| | | (Script) Recd. Payment 12/1/06. (Signed) Graham Witschief. | | |

## CHAPTER IX.

### HINMAN'S SPEECH AND A LETTER.

### HINMAN, IN STRONG SPEECH, URGES CHARGES BE UPHELD.

*Of Utmost Importance, Says Assembly Minority Leader, That Judges Should Furnish No Just Ground for Suspicion.*

(Special to The World.)

Albany, July 17.—The speech of Assemblyman Hinman in opposition to the report of the Joint Committees on the Judiciary in relation to the Cohalan proceedings was in part as follows:

Mr. Speaker: In holding, as I do, Mr. Justice Cohalan guilty of conduct unfitting him to hold a position on the bench, I speak not as a partisan or as leader of the Republican minority, but in my individual capacity. I speak as

a member of the bar deeply concerned in raising, not lowering, its standard. I speak as one who firmly believes that the vast importance of the Judicial branch of our Government demands that the bench shall be kept above suspicion and beyond reproach and enjoy the fullest confidence of the public.

A judge's position in the community is distinctly unique and pre-eminently responsible. He exercises an influence possessed by no other. Upon him depends public respect for the law, the lack of which is so apparent already that it may be characterized as one of our gravest present day evils. Upon him depends public confidence in the due administration of the law, and the public sensibilities are already too deeply stirred to an adverse belief. **It is, therefore, of the utmost consequence that our judges should furnish no just ground for suspicion, for whatever tends to create doubt of their absolute integrity and high sense of honor tends also to provoke contempt for the law and distrust of its administration.** He should be of the highest type of citizenship, an exemplar in the community.

*Good Name of Bench Concerned.*

The good name of the judiciary is vitally concerned in this proceeding. The retention of Judge Cohalan upon the bench upon the basis of his own testimony insures not alone an instinctive distrust of himself, which is deplorable, but would tend to shake confidence in the entire judiciary and thus fan the flames of disrespect for law or enlarge the demand for judicial recall.

The Constitution specifies removal "for cause." I estimate that no greater "cause" was intended or conveyed than the demands of the public welfare. We are permitted in our votes to register a general moral condemnation in the interest of the public at large if a single charge of the Bar Association has been sustained.

**I am satisfied from a careful study of the testimony as well as from witnessing almost the entire proceeding, that some of the charges of the Bar Association are abundantly sustained by creditable testimony.**

We are not concerned about the motive of Connolly or the Bar Association, or its counsel, or the New York World. We are only concerned with Justice Cohalan and the facts

admitted by himself, together with such parts of Connolly's story as are corroborated by other and unimpeached witnesses.

What are these facts?

First, Justice Cohalan admits, both in his statement to the press and upon the witness stand, that he did work helping Connolly to obtain city contracts by interceding with President Ahearn of the Borough of Manhattan and other heads of the city departments in behalf of the Victor Heating Company, thus using his political influence to get such contracts. He admits that the contracts were actually obtained. He admits that he received pay for these services. **He calls the same legal services, but the intelligent and decent public will properly characterize it as graft. This false and misleading characterization alone unfits him to sit as a Judge.**

If Cohalan was getting pay from the Company for legal services, the payments would have been entered under the legal services account, which appears in the book. Connolly was then friendly with Mr. Cohalan, had been intimate with him for years. He was getting city work through him. He was anxious to protect Mr. Cohalan by such bookkeeping as would not reveal the latter's interest in the concern. No such roundabout process would have suggested itself to the crafty Connolly except to hide a shady transaction. It was not much later that the Cohalan account was bodily inserted on the last page of the ledger, and which was subsequently cut out.

We may assert with full assurance that Connolly paid for political influence in obtaining city contracts. And Mr. Cohalan was willing to receive pay for the exertion of his influence. For him to admit that he got the contract for Connolly by calling on the city heads of departments, then say that he had no political influence, is ridiculous and quite beyond belief. **The acts admitted by Justice Cohalan are the familiar devious methods of practical politics, against which the community is justly revolting. Such acts do not result in honest service to the city and no one knows it better than Mr. Cohalan himself.**

Moreover, it was not a free, friendly intercession by Mr. Cohalan in order to help along a needy friend, as he alleges. It was a business deal. Does the community of to-day be-

lieve that business and politics should be thus conjoined through the sordidness of petty graft? **Must a man buy political influence in order to compete for governmental contracts which should be open to the whole business public on a perfectly fair basis?** If we are to squint at such bartering by those who see no harm in thus helping themselves, how can the more high-minded compete for governmental contract? Must they submit to blackmail like Cohalan says he did to Connolly?

### *Legitimate and Honorable?*

Justice Cohalan evidently thinks to-day that this was a perfectly legitimate and honorable transaction for him to accept pay for such political influence, because he admits receiving pay for it and insists that a demand of the return of the tribute was blackmail. This in itself is a fair test of his standard of thought and morality. He would encourage the professional politician of to-day into thinking that the bartering of political influence for money for himself is entirely honorable, and that if he happens to be a lawyer he can call it legal services and bring a suit to compel specific performance of such a contract. In putting the stamp of his approval on this as a safe and honorable way to the public treasury, he destroys respect for the courts and has no proper place on the bench.

I, therefore, have no difficulty in reaching the conclusion that the first charge of the Bar Association is sustained. This is the ethical question which underlies the whole charge of unfitness to serve on the bench. It reveals the real reason for his subsequent submission to blackmail, discredits his version as to the giving of the note, and demonstrates that both his statement to the press and his sworn testimony on the stand were false and misleading. **Thus his character on the bench is assailed, his integrity is impeached, and it follows that the last charge of the Bar Association should be sustained.**

Let us examine for a moment his version of the blackmail. As a lawyer of fifteen years' experience, knowing the atrociousness of the crime of blackmail, he was the last person to be expected to submit to it, if innocent. Could he be conscious of his own integrity and as a lawyer weakly yield to threats of exposure by returning fees which he says

he received for legal services? He would have us believe that he was highly sensitive of the reputation of his party. The question is, was he duly sensitive of the reputation of his profession, the honor and dignity of which cannot be too zealously guarded?

*"Unfit to Sit as Judge."*

It was a desperate attempt to keep secret an ignominious matter which would not pass public muster four years ago and which, **in the light of the greatly elevated standards of political thought of to-day, brands him as notoriously unfit to sit as a Judge.** He insists on the stand that when $3,900 was demanded of him he did not owe a cent to Connolly or his Company, either for money had and received, or for money loaned. He further admits that there was nothing on the face of the original complaint to show that he had been guilty of improper conduct, and that there was no object in destroying it. Yet he refused to pay on the basis of such original complaint, which he admits and insists was false and perjurous.

Was it a frank and honest statement of the real situation when he issued his misleading statement to the press this spring, when he said he gave back the money upon Connolly's repudiating his false allegations? Connolly's repudiation consisted in serving a false amended complaint, which Judge Cohalan knew and insisted at the time and still insists was false. To hush up the charge he was willing or consented to the service of a perjurous complaint. Connolly was unquestionably guilty of perjury in verifying that complaint.

Judge Cohalan was practically, if not actually, guilty of subornation of perjury when he agreed to pay upon the basis of such perjury. He encouraged perjury for selfish or partisan advantage. Can his plea in extenuation be received in the face of this damning array of facts? **He admits that the payment of hush money to his blackmailer in 1909 was the greatest mistake of his life, and then in the same breath revokes his repentance when he says, "But I think at the time that I did what was fair and reasonable, taking into consideration the political situation at the time."**

To-day as a Justice of the Supreme Court, asking for exoneration, he boldly insists that paying blackmail to hush up the charge was justifiable. **Does that demonstrate such a fine sense of propriety, such mental and moral balance, as is expected of a Judge,** and which was never needed more on the bench than it is now? How can he say with sincerity or hope of certificate of judicial qualifications that it was the greatest mistake of his life, and at the same time plead for the fairness and reasonableness of his actions? He would do it again to-day. He would justify his example and advertise his method in the eyes of the politicians of to-day. He would extenuate his personal sacrifice of honor unrighteously accused, his personal submission to and acquiescence in a perjurous charge, his subornation of perjury, in order that he might save his party from the effects of **a charge not against his party, but against himself.**

Due administration of justice and the proper punishment of a blackmailer is thus made to yield to party politics at the hands of the trained lawyer and is vouched for as fair and reasonable by a Justice of the Supreme Court seeking to proclaim his fitness to serve upon the bench. One of the most serious complaints of our time is against having the administration of our government, and certainly against having the administration of justice, yield to sordid party politics. We need to have higher ideals inculcated in the minds of the electorate and party followers than we have urged upon us here by this Justice of the Supreme Court. **To submit to blackmail upon this false amended complaint was a stain upon his honor as a man and as a lawyer. To justify it now is a stain upon his honor as a Judge. He apparently lacks the mental and moral sensibilities to realize it even now, and this disqualifies him in my estimation from remaining longer in judicial office.**

This brings us to a consideration of the giving of the note in April, 1911, at which time Justice Cohalan's name had been mentioned in the press as a successor on the bench to Justice O'Gorman.

The respondent does not deny that he knew his name had so been mentioned. We know it had been, as a matter

of fact, as we know he was actually appointed shortly thereafter. Yet he says he didn't ask Connolly for the $4,000 note, but that Connolly offered it to him. What earthly reason could Connolly have in offering it to him if there was no consideration moving to himself? We have seen him on the stand; he is too shrewd and calculating not to have made some arrangement for his own advantage. Yet Judge Cohalan would have us believe that the sole object was for Connolly to acknowledge that he had blackmailed him. This is too preposterous to give it any credence. Even if it explained the motive of Judge Cohalan it by no means is satisfactory to explain the motive of Connolly.

Mr. Cohalan had once before got Connolly a job as Commissioner of Appraisal in 1904, by using his influence with Judge Keogh, at a time when he was exacting tribute from Connolly for political influence. Why is it unreasonable to suppose that in 1911 Connolly did not get his promise of a job in return, for the evidence is convincing that Connolly was at that time and had been a persistent office seeker. I can come to no other conclusion than that Justice Cohalan did not tell the truth when he said on the stand that there was never any promise, talk or conversation between him and Connolly looking to securing by him, as consideration, of a political or other position for Connolly.

The reason the note was never presented or a job obtained for Connolly in order to furnish him with the means for paying it was either, he never intended to keep his bargain, and thus obtained the note by fraudulent pretenses, or that his elevation to the bench shortly thereafter rendered it unsafe to have anything further to do with it, especially as his salary as Supreme Court Justice was adequate to meet his financial needs.

And finally, we find Justice Cohalan willing to give up this note to hush up the charge, although he claims the note was given not for its money value, but its admission that the charge was false. **He thus twice submitted to blackmail, and the greatest mistake of his life was repeated.** He takes the note to have evidence of the falsity of the charge, if such charge should be repeated, but just as soon as a repetition of the charge seems threatening, he immediately surrenders that which he says he took to prove its falsity.

**From all the facts I am bound to conclude without a scintilla of doubt that at least the first and last charges of the Bar Association are sustained and that Justice Cohalan merits the general moral condemnation of the community, and removal at our hands. I have based my conclusions entirely upon the evidence and statements of Justice Cohalan himself.** We ought not, in my judgment, to be influenced in the slightest degree by the uncorroborated testimony of the despicable Connolly.

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December 26th, 1913.

HON. HAROLD J. HINMAN,
452 Broadway,
Albany, New York.

Dear Sir:

Before this stormy political year expires, I desire in this formal manner, belated though it is, to thank you for your speech in the Assembly on July 17th, that I read in the New York World the following day, on the Connolly-Cohalan case. Out of all the legislators, lawyers, etc., at Albany interested in the case, in my estimation, you showed the most descriptive and vivid picture of the entire matter and the keenest apperception.

Had you known me intimately, I feel sure you would not call me "despicable," nor if you knew Cohalan and his record in this town, you would not call me "crafty." However, the man who undertakes to show up a "grafter," particularly when he occupies a high position, must expect the kicks and cuffs of all those who do not understand his motives. I hope the real facts in the case will be shown in open daylight when it is not beclouded by either mystery or partisan politics, as was the result of that farcical trial last July, and to think by practically the same men who whitewashed Stilwell and slaughtered Sulzer.

I am

Very truly yours,

(Signed) JOHN A. CONNOLLY.

# CHAPTER X.

## CITIZENS UNION VERSION.

The following is taken bodily from the REPORT of the COMMITTEE ON LEGISLATION of the CITIZENS UNION for the sessions of 1913:

## THE COHALAN REMOVAL PROCEEDINGS.

The Senate and Assembly sitting in joint session voted that the charges of misconduct against Justice Cohalan submitted by the Association of the Bar of the City of New York were not sustained.

On June 30, 1913, the Bar Association filed with the Legislature a petition urging the removal on account of misconduct, of Daniel F. Cohalan, a Justice of the Supreme Court, under Section 2 of Article III of the Constitution. The Judiciary Committees of the Senate and Assembly, sitting together, took evidence in regard to the charges.

The testimony of Connolly, the complaining witness, **sustained all the charges.** The evidence of Leary (an office associate of Cohalan's, and his attorney in the suit brought by the Victor Heating Company, Connolly's company, to recover the money paid), Cruikshank (the company's attorney in the suit), Warren, Connolly's personal attorney, and Judge Cohalan himself (called by counsel for the Bar Association after one of his own counsel had stated that he would not take the stand), as well as the documents in the case, established the following facts:

(1) That Cohalan received from the Victor Heating Company (under an agreement to get city contracts for the company from New York city officials, who were his political associates), from time to time, the sum of $3,940.55.

(2) That all these payments, in some cases amounting to as much as $1,000, were paid in cash and never by check, and that no entries were made in his register by Judge Cohalan of the agreement, of his services, or of the payments, and no bills rendered, although in one other case, when he defended an action for the company, he rendered a bill for $250 for legal services and received payment by check.

(3) That in May, 1909, when sued for this money on

the theory that such payments were unlawful and might be recovered back, Cohalan, although claiming it to be a blackmailing suit, repaid the money on condition that the old complaint should be destroyed, and that an amended complaint, stating the suit to be for the repayment of money loaned, be sworn to and served; which was done, although all parties knew that no money had been "loaned" to him.

(4) That in April, 1911, when Governor Dix was considering Cohalan's appointment to the Supreme Court in the place of Mr. Justice O'Gorman, notwithstanding the fact that he thought Connolly a blackmailer, Cohalan re-established friendly relations with him, and without any consideration, as he alleged, received Connolly's note for $4,000, accompanied by an affidavit that no defense existed to the note (in effect, an oath that the note was given for a valid consideration).

(5) That in May, 1913, in response to a letter from Connolly's attorney, charging Cohalan with receiving a note in consideration of his promise to procure for Connolly a public position, Cohalan returned the note and affidavit, at the same time stating that the charge made in the letter was false.

(6) That Cohalan issued a false statement to the press, stating that the $3,940.55 had been received by him for "legal services."

**The causes warranting the removal of a Justice of the Supreme Court are not prescribed by the Constitution.** The Legislature is made the sole judge of the sufficiency of the causes.

Three essential requisites in a judicial officer are integrity, courage and love of truth. It conclusively appeared from the facts proven that Justice Cohalan lacked all three of these qualities.

The undisputed evidence showed (1) that Justice Cohalan's conception of public office permitted its use for the private gain of political associates; (2) a lack of courage on his part in submitting to what he himself claimed to be blackmail, by returning the money in 1909; in afterward establishing friendly relations with a man whom he claimed to be a blackmailer; and still later in returning the note and false affidavit, through fear of the publication of the nature of his dealings with Connolly; and finally

(3) such a disregard for truth as would permit and encourage the service of a perjured complaint and the making of a false affidavit, and the issuance by himself, when a judge, of a false and misleading statement in the press.

Under the early New York cases, a contract to use influence with a public officer for the purpose of procuring public contracts was not illegal. The law in the federal courts and in most of the other states is contrary to the early New York law. In view of the grave and notorious abuses which followed the award of public contracts upon considerations of political influences, it is not improbably that the New York courts to-day would refuse to follow the early cases. Furthermore, it is obvious that a "request" that city contracts be given to a friend, made upon a Tammany office-holder by an influential member of Tammany Hall, as a practical matter, is much more than a request. At any rate, as a result of Cohalan's "legal services" the Tammany official in question took away the contracts from an experienced contractor who had theretofore done the work well, and gave them to Connolly's company, which had done no work of the character, and Cohalan received more than one-half of the profits of the contracts.

It is not open to doubt that Justice Cohalan's purpose in establishing friendly relations with Connolly in April, 1911, was to prevent the publication by Connolly of the facts in regard to these contracts. Had those facts been published, Governor Dix could hardly have made Cohalan a Justice of the Supreme Court in Senator O'Gorman's place, and the people would have been likely to defeat him when he ran for election to that office the following November. His appointment and election to that office were therefore procured by a consciously fraudulent suppression of material facts.

Whether we regard the charges sufficient to warrant Cohalan's removal or not, the Tammany legislators, in voting that the charges were not sustained, were, in view of the undisputed evidence, merely attempting to whitewash a political associate toward whom Tammany Hall was well disposed.

It is to be hoped that, if such a proceeding will lie, the Bar Association will seek to have the Appellate Division disbar Justice Cohalan as an attorney, and thus prove to

the public that the standards set by the Legislature of 1913 for qualification to judicial office will not prevail in that court, any more than the standards set in 1913 by the Senate for the qualifications of a Senator were permitted to prevail (in the Stilwell case) by a grand and petty jury in this county.

December 31st, 1913.

CITIZENS UNION,
41 Park Row, New York City.

Gentlemen:

I have before me the report of the Committee on Legislation of the Citizens Union for the sessions of 1913, and before this stormy political year terminates, in this formal manner I desire to say a word of appreciation and tender you sincere thanks for what you say on the "COHALAN REMOVAL PROCEEDINGS." The gentleman that wrote it certainly had proper apperception on the entire subject. I wish to chide him in a most friendly way by calling his attention to the paragraph on Page 51, in which he says: "Connolly's company had done no work of the character in question." To show you how easy it is for your writer to err in making such a statement, the facts are as follows: (And no less an authority than William Jay Schieffelin, a prominent—yes, I may say, an eminent—member of your Union, will bear me out on experiences.)

It is twenty (20) years ago that I personally superintended the installation of a power and heating plant in the Schieffelin Laboratory, at 138th Street and St. Ann's Avenue, on such work of the character that you now say none was done. A complex engineering problem came up, which I recall, in relation to high pressure twin-boilers in which tide-water at that point had to be overcome.

So much for that. In addition, so that another grievous mistake cannot be made, I will state for the writer's benefit, whoever he may be, that when the work was taken away from the International Pump Company, that I hired some of the same mechanics that did the work, and contra, when the International Pump Company was given back the work a few years later, they in a very courteous way hired the mechanics in my employ.

In fact and in truth, there is one other point in the report that I will mention. He, Justice Cohalan, makes

the claim, practically, that I am nothing more nor less than a professional blackmailer in lieu of a mechanical engineer. After thirty (30) years of engineering in this city, if I wished to change my profession, it was an easy matter, if my thoughts ever turned to blackmailing—which they never have—to threaten Mr. Cohalan that I would expose him to Governor Dix when he was contemplating his appointment. Another successful attempt could probably have been made, if I was in this line of business, when he was running for the office of Supreme Court Justice. I chose to do otherwise for sufficient and cogent reasons to myself.

In conclusion—the man who undertakes to show up a grafter, when he occupies a high position, must naturally expect the kicks and cuffs of all those who do not understand his motives. I feel I have done a public service with the backing of the press, and your strong commendation already mentioned. I hope in the future yourselves, the Association of the Bar, and the Appellate Division, with the enlightened public, can do more.

Wishing you the compliments of the season, I am,

Yours very truly,

(Signed) JOHN A. CONNOLLY.

## CHAPTER XI.

### THE MASSIVE BRAIN OF A CUVILLIER.

I trust I have not struck a note of unholy glee in a missive addressed to one so near, and yet so far, from a cavalier. When it is remembered that this is the Cuvillier who so brilliantly advised the Legislature on the matter of stations for aviators, the important rôle assigned to "Assemblyman Cuvillier" in the Cohalan investigation indicates clearly enough the insincere attitude of the hypocritical majority of the investigating body.

Some years ago, alarmed at the "prevalence of airships," Mr. Cuvillier demanded that a bill be passed forbidding private or exhibition air-craft anchoring to church-spires and steeples in cities of the first class in New York State, which would mean New York, Rochester and Buffalo.

The sight of a big-bellied Zeppelin, a black-and-tan biplane, or a flashy purple "Demoiselle" swishing above

fashionable congregations on the Avenue outrages the Law of Good Taste, and sets the devout soul to quivering with indignation. Considering the great numbers of passenger airships now in use in these three cities, and the profane and godless inclination shown by fliers to utilize the delicate and symbolic index-fingers of the Church as hitching-racks for their bird-buggies, I thank ex-Assemblyman Cuvillier from the bottom of my pedestrian boots for restraining the heedless sky-pilots who would teeter on the temples of the Lord.

January 1st, 1914.

LOUIS CUVILLIER, ESQ.,
172 East 122nd Street,
New York City.

Sir:

I wish to congratulate the people of your District on retiring you from the Halls of Legislation.

For many reasons I became very active with friends and relatives of mine in that Assembly District to accelerate your retirement, and of course I was delighted at the result.

To be defeated by an Undertaker was added gloom to your ambition. For fear that you may think I bear any resentment toward you, I wish you a "Happy New Year," and sincerely hope that your "lucrative law practice" may increase by leaps and bounds in the future.

Yours, etc.,
(Signed) JOHN A. CONNOLLY.

## "WEIL" TURNS TO "WOE."

Before the communicative spirit left me, a similar billet was sent to Assemblyman Weil, who also set me this charitable example at Albany.

January 1st, 1914.

EDWARD WEIL, ESQ.,
224 East 87th Street,
New York City.

Sir: I desire in this formal manner to congratulate the people of your Assembly District in retiring you from the Halls of Legislation.

Inasmuch as I lived in that District for many years,

and have many friends and relatives within the confines of it, I took a great delight in accelerating your defeat.

At any time you should wish to go back, especially this year, it would be a source of extreme comfort to go after you again, accompanied by the defeat of a "certain State Senator" in that part of the city.

Of course you may think I bear some resentment, which I do not, and wish you a very "Happy New Year."

Yours, etc.,

(Signed) JOHN A. CONNOLLY.

## CHAPTER XII.

### CALIBRE OF SOME LAWYERS.

*". . . Their mouth speaketh great swelling words, having men's persons in admiration because of advantage."*

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I have touched before on the liability of the legal intellect to eliminate ethics from its processes. This was a personal conclusion, arrived at after discovering the advantage "great swelling words" had over the minds they held in admiration, in a case bounded by my actual experience. The lawyer who furnished the concrete illustration referred to—to employ a homely simile which came first to mind—reminded me of nothing so much as a bright-eyed woodpecker. Familiarity with the King's and Blackstone's English forms the chisel of his bill; with an artfully worded and reworded sentence, he pecks, pecks, pecks at the understanding of his victim, stopping now and then to listen attentively for the applause of his fellows. After a bit, by means of this persistent pounding, he succeeds in piercing the cautious reserve of the witness, triumphantly seizes the harmless grub of some unthinking affirmative, and flourishes it as a serpent of strength and cunning, which by verbal drilling he has dragged from its retreat. Marvelous, indeed! And woe to the poor little apprehensive admission, which would yet wriggle from the barbed tongue which will dismember it so mercilessly. This, they tell us, is "Law"; and thus the legal mind—indifferent to the gorgeous butterfly of Truth which hovers steadily over the jungle of tangled evidence—swoops to the petty grub of trivial circumstance, and

with ruse and subterfuge wages erotic warfare, or builds with blocks of bloated hyperbole its melodramatic climax.

Recently I have read in pamphlet and article form the desire of certain members of the Bar Associations of this and sister States, to "elevate the bar," or "uplift, if that's the word." One states that they should even go so far as to "pass upon the moral standard of applicants for admission to the bar," while another voices a poignant regret, i. e., that the great general public has lost all respect and confidence in the entire practicing profession. I venture to doubt whether some of those who invite the public to entrust their domestic, civil and financial affairs to them, will have any sort of a moral standard to pass on. Two or three of New York's most prominent and successful lawyers, who have had the spotlight of publicity constantly played on them for a number of years, seem not only devoid of all moral sense, but of all human feeling as well. How to hold these hawks to "stricter accountability for their shortcomings," and discipline "those commercializing the profession and bringing it into disrepute through conspiracies with clients in plots to defeat justice," is a problem for the Bar Association itself in which the legal intellect must provide its own antidote, so to speak.

## CHAPTER XIII.

"BOY, ——— PAGE MR. STANCHFIELD!"

"*. . . Whoso hath this world's good, and seeth his brother have need, and shutteth up his bowels of compassion from him . . .*"

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I trust it is no profanation of the divine Scriptures to borrow from the biblical John words which describe so aptly a latter-day namesake—a man who has proven that "lawing" after the prevailing fashion is astonishingly lucrative—even though it may not enlist the good-will and confidence of the layman. Here we have the legal mind, flanked by research in the catacombs of dead decisions, aided by memory, backed by long experience with less adroit schemers, outwitting Justice in many instances, and developed to a high degree of legal efficiency as judged by the standard of to-

day. Tenacity and concentration, which have made him a wizard at law, have made him a miser at heart. They are the winning factors in a character otherwise adapted only for one of Dickens' Old World novels.

In spite of the many thousands of dollars that Stanchfield has made, stinginess seems to have become chronic with him. The up-state and down-state lawyers have universally dubbed him a "tightwad." They say when a young man, he would occasionally invite the boys for a drink, and quick to reach the bar first, would address the thirst quencher for the bunch: "I'll have beer, boys—what'll you have?"

Another anecdote relates how John, when traveling around the circuit of near-by judicial districts, in riding from the depot to the hotel, would invariably be the last man out of the 'bus, trusting, of course, that someone ahead might perchance pay his fare.

Corroborating the stories I had heard, a friend of mine, who knows him very well, referred to Stanchfield's "saving" graces by saying that he was "tighter than bark on a tree." The thought struck me that one could separate bark from a tree, but that it was almost impossible to separate money from Stanchfield.

Aside from these humorous little flash-lights of the man's soul, which reveal a common enough eccentricity, a more serious charge may be brought against him—that of ingratitude. When it is remembered that Stanchfield was the law partner and protege of David Bennett Hill—that skilled politician, good Governor, excellent United States Senator and now a **revered statesman**—and that Hill practically "made" Stanchfield, and stuck to him like a true Roman in spite of party disapproval—one wonders at the Damon who has so completely forgotten his Pythias.

If "in deede, a friend is never knowne until a man have neede," we hardly know what to think of the prosperous protege who, out of his ample fortune, has not even set a simple white headstone on the unmarked grave in Montour Falls, over the brow of the man whose dominant, kindly brain directed and prompted the early career of Stanchfield, and laid the foundation for his success and his wealth. If his gratitude had increased *pro rata,* the handsomest monument in the marble yards would attest the fidelity of the close-fisted barrister.

It is with a glowing relief that I contemplate the result of compassion in another human heart—that of Warden Osborne in Sing Sing Prison. The rise in two different ways of two men in one lifetime will create their own contrast when we older folks recall that Stanchfield's first notorious case (he was then a "cheap country politician"), years ago, made him the defender of Brockway's enormities in the Elmira Reformatory. Between Superintendent Brockway, the inhuman monster who struck all told 19,497 blows in flogging the boys in his keeping at Elmira, and "St. Thomas of Auburn," whose great brain and heart can encompass the shrinking soul and clouded brain of the felon, there is an insurmountable wall which climbs to heaven itself.

## CHAPTER XIV.

### APPELLATE DIVISION, FIRST DEPARTMENT.

In the several letters given here as Chapter Twelve, the writer endeavored to ascertain whether the lawyer for the defense could, in behalf of his client, disregard every boundary of truth and decency in berating that client's opponent. The layman naturally wonders to what extent a lawyer, in maligning a witness, may employ petty ridicule and abusive epithets with impunity? Such methods certainly impair the dignity and decorum of the Bar, to say the least, and it would seem that the victim was entitled to either redress or apology, and that the lawyer stooping to such nefarious procedure would deserve a severe reprimand from his associates.

Has the law become a huge joke—that the interpreters dare treat its administration so lightly? Nearly every day judicial comedies are featured in the daily papers, where cross-examining attorneys seek to advertise themselves as wits for the titters of the gallery and the edification of the reporters. If a man have true wit or humor, like Mark Twain, let him embody it in a book, or inject it into a vaudeville sketch. The public appreciates such efforts—in their proper place. The court room during a serious session is not that place. Too often—having succeeded in tickling his audience—the attorney ventures to make a lightning change from comedian to blackguard.

In assailing me, John Barry Stanchfield, who was graduated from Amherst College in 1876, and later from the Harvard Law School, said: "Connolly is a forger, a thief, and a perjurer." William Travers Jerome, another Greek-letter man and Amherst College grad—not to be outdone, pitched into me by calling me a "hound, scoundrel and blackmailer."

These infamous terms, as applied to me, were not only false and slanderous, but offensive to the trained ear as well. Not being a college man myself, I cannot say whether the fraternities mothered by the sentimentally-revered *Alma Mater* make a specialty of such Plutonic English. Perhaps Cicero or Xenophon found it agreeable to slander enemies in this wise.

In all my miscellaneous reading I have never before happened on just such an assortment of invective. "Hound" and "scoundrel" figured extensively in country-town cheap melodrama some thirty years ago, and did not make very pretty listening then, even in Horseheads or Lakeville; one would hardly expect to hear them used in the Twentieth Century, as part of an address given before educated men, who are supposed to have the tastes and instincts of gentlemen as well. I am at a loss to account for the ready use of such venomous expressions by two men who pretend to stand at the top of the professional and intellectual ladder. They may belong, though, to a department of "literature" I have not yet found time to peruse. I imagine that they might be stolen bodily from the hero's daring denunciation of the villain in "The Poisoned Peanut" or "Lady Dunderhead's Defiance," by Laura Jane Liverwurst and Bertha M. Mudd.

I have neither the wish nor the vocabulary to match their anathema, but in this booklet have drawn a fairly descriptive pen-picture of these "gentlemen" who are such a credit to the profession. I depend on the Lawyer-Delegates of this Constitutional Convention to devise a corrective for such barbarous brow-beating by self-styled high-brows to insure the better handling of the coming generation.

November 7th, 1913.

Mr. John B. Stanchfield,
36 West 86th Street,
New York City.

Dear Sir:

I have read carefully many times the official bound volume of the "Connolly-Cohalan Investigation," and consulted counsel of "eminence" thereon.

Sufficient time has elapsed, and I desire in this gentlemanly way to call to your attention certain matters, viz.:

First: On page 65 of the printed record, you said you were willing to apologize if you had misquoted me in any respect.

Second: On page 470 you charge in the most violent terms that I openly admitted that I was a forger, a thief, and a perjurer. The record read from cover to cover controverts your intemperate remarks in their entirety.

I have waited a long time for a proper apology, as shown by your willingness on page 65, and expect the same will be forthcoming on receipt of this reminder.

In conclusion, it was a source of gratification to me when the Chief Justice of the Court of Appeals and President of the High Court of Impeachment reprimanded you for calling a witness a perjurer in the Sulzer trial.

Very truly yours,
(Signed) John A. Connolly.

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December 16th, 1913.

Hon. George L. Ingraham and Associates, Presiding Justice, and Justices Appellate Division, First Department, 24th Street and Madison Avenue, New York City.

Gentlemen:

The enclosed letter to Attorney Stanchfield, duly forwarded as dated, up to this writing has brought no response. It fully speaks for itself, and as an additional reason, the New York Sun, in its issue of July 12th, 1913, stated:

"Mr. Stanchfield asserted Connolly was an openly confessed forger," "thief and perjurer." These are ugly words and no semblance of truth in them as applied to me. I therefore ask you if it is within your jurisdiction to reprimand Mr. Stanchfield.

Ordinarily, I would bring this matter before the Association of the Bar of the City of New York, but as they were a moving party in conjunction with me before the Joint Committee on the Judiciary of the Senate and Assembly, I do not desire to embarrass them in any way.

Respectfully submitted,
(Signed) JOHN A. CONNOLLY.

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(Vignette: Figure of Justice holding Scales.)

SUPREME COURT

Appellate Division, First Department.

New York, January 2nd, 1914.

Chambers of the Presiding Justice.

My Dear Sir:

I have your letter of December 16th, enclosing a copy of your letter to Mr. John B. Stanchfield. The Court cannot entertain charges against an attorney, unless a copy of the charges is served upon him, and the proceeding is then brought on in the regular way.

Yours truly,
(Signed) GEO. L. INGRAHAM.

John A. Connolly, Esquire,
251 West 91st Street,
New York City.

## CHAPTER XV.

### INTRODUCING MESSRS. JEROME, RAND AND KRESEL.

After the close of the investigation at Albany of the Cohalan-Connolly matter, Justice Daniel F. Cohalan, wearing his dazzling new coat of whitewash and a beatific smile,

sailed for his "$3,700" (or $60,000) estate in Ireland, on July 17th, 1913. This is not worthy of comment, except that his parting words on that day concerning the trial, and published in the papers, belied his spiteful intentions. He said: "The incident is closed, and so far as I am concerned, will remain closed. Not a word of any sort except this, that I wish you all good luck."

Evidently the little "incident" at Albany fell far short of converting Mr. Cohalan to a "love of Truth," which the Citizens Union report thinks is so necessary in the character of a judge. In his inmost heart he had no idea of considering the matter closed until he had "got even" with Connolly. My arrest on a trumped-up charge, while the Justice was sojourning on his Glandore estate, revealed to the public that the magnanimous Justice was a bad loser in that he continued to employ a company of lawyers and detectives to "get something on Connolly" if possible. That the little they did get did not result in the persecution he had anticipated must have exasperated the "patient member of an impatient race." The account of the arrest and a full explanation of the simple, honorable business transaction which they claimed warranted it—and which was dead and done with long ago—is given in detail in this chapter.

Women are notoriously uninformed and indifferent as to law. This apparently irrelevant statement becomes significant when it is noted that the Attorney Rand, who induced Mrs. Sayward to bring an action for perjury against Cohalan's former accuser, is of the firm of Jerome, Rand and Kresel, which firm acted with that of Stanchfield as Cohalan's defenders in the Albany investigation.

If lawyers, with all their experience and sagacity, cannot devise a way to attack a man except from behind a woman's skirts, they had better allow him to continue serenely on his way. And if it is necessary for a lawyer, in being a lawyer, to forget that he is a gentleman, or even a man, he had better throw up his profession. Any man who is ungallant and unkind enough to frighten a woman into a perversion of facts, and into actions which go against her nature, conscience, and finer sensibilities, should be branded as the Simon Legree that he is.

The average woman knows no more of the law than her

lawyer explains to her, and she must accept his promise to pilot her safely through that wilderness of set traps. If perchance she is misinformed, and falls into one with no knowledge of its cruel teeth or a way to extricate herself, it is the part of every upstanding lawyer—not to make a meal of her in four-footed fashion—but to release her without great injury to herself if possible. Without expressing any opinion as to the merits of a recent episode in which a little lady named St. Clair was hauled up for perjury—the very word strikes terror to the feminine soul—is evidence enough that some "lawyers" do enjoy grilling a woman, tweaking her shattered nerves, and lapping up her tears. And all because with sublime confidence she believed what she was told—that that was the "way the thing had to be done," and tried most docilely and obediently to do just as mighty man, the protector, though in this case, unfortunately, the "lawyer," advised her to, never doubting but that he would shoulder any mistakes she might make.

Ordinarily he would, too. I do not wish to blast the reputation of the entire profession, and call them cruel and unchivalrous as a class, because the intelligent lawyer knows that—in spite of arguments to the contrary—he must recognize "sex" even in law; that the feminine mind is an entirely different and more delicate machine than the masculine, and has come through countless generations to rely on what, for want of a better word, it terms its "intuitions," or depend entirely on the better-informed and fighting brain of the man chosen to defend her.

That this lawyer has earned the contemptuous term "Mrs. Thaw," because Harry K. Thaw has been his meal-ticket, while little Mrs. Thaw is dancing for her own board, is clue enough to his identity. His cross-country chase for the tax-payers' dollar—regardless of what anyone may think individually of Thaw's mental or moral status—cost him the respect of the great general public; and this last unmerciful and brutal attempt to stigmatize a woman, and place her in prison just for being a woman, should cost him the regard of his colleagues, and probably has done so.

# COHALAN'S AGENTS FIGURE IN ARREST OF HIS ACCUSER.

## Connolly Held on Perjury Charge Made by Woman Who Is Aided by Judge's Lawyer and Detective.

## ACCUSATION BASED ON HIS ANSWER TO HER SUIT.

*Connolly Says He Relied on Counsel, Who Made an Error in Drawing It.*

Mrs. Minnie C. Sayward, widow of John F. Sayward, caused the arrest yesterday of John A. Connolly, who brought charges against Justice Daniel F. Cohalan, alleging that he had paid Cohalan graft in a period extending over three years before Cohalan became a Judge, but while he was rising as a power in Tammany Hall. The graft, as Connolly charged, was Cohalan's tribute for obtaining for Connolly city work for Connolly's firm, the Victor Heating Company.

Mrs. Sayward alleges that Connolly committed perjury in verifying an answer to a suit she brought against him in 1912. She bases her allegations upon the printed record in the trial of Justice Cohalan before the Joint Judiciary Committee at Albany last month, and, more specifically, upon **"the statements made to me by one Norman J. Fitzsimmons."** Fitzsimmons, formerly a police detective, now runs a private agency at No. 27 William Street, and since the Connolly-Cohalan matter was first broached has been in the direct employ of Justice Cohalan, who told him, as Fitzsimmons has told others, to spare no expense to "get something on Connolly."

*Cohalan's Counsel Hers Also.*

Connolly was arrested as he left his home yesterday morning. Detective Stilson was waiting for him with a warrant which William Rand, Jr., had obtained from Magistrate Levy July 22 last. Rand appeared as counsel then and yesterday for Mrs. Sayward. It also happens that he is of

Jerome, Rand & Kresel, which firm is and was retained by Justice Cohalan to act with Stanchfield & Levy as his counsel. So that between Fitzsimmons and Rand there was no doubt left as to the real identity of the instigator of the charges against Mr. Connolly. It was not Mrs. Minnie Sayward, but Justice Daniel F. Cohalan, whose lawyers and detectives induced Mrs. Sayward to come forward and cause Connolly's arrest.

The facts surrounding the charge against Connolly, as set forth in Mrs. Sayward's affidavit, drawn with all the ingenuity of a Jerome to make them appear more dreadful, are these:

In January, 1910, following a series of previous transactions in which Connolly paid over a large sum of money to Mrs. Sayward and her fellow-directors of the company owned by her husband, John F. Sayward, of whom all that is known is that he disappeared, Connolly obtained from Mrs. Sayward what they agreed to call a "loan" of $200, though Mrs. Sayward actually gave Connolly a check for only $197. In return Connolly gave her three notes for $66.66 each, payable in one, two and three months. He paid the first one on time, then found himself in financial difficulties and was forced to close up his business, part of which was represented by the business he had bought over from Mrs. Sayward.

### *Couldn't Pay Third Note.*

Connolly paid one-third of the second note, all he could afford at the time, and then was compelled to let the other note go by default. In the meantime he appealed to Daniel F. Cohalan to help him out of his financial troubles and, as he has testified, Cohalan agreed to help him get a position if Connolly would give Cohalan a note for $4,000 to represent the money which Connolly had forced Cohalan in 1909 to disgorge.

Mrs. Sayward became impatient in 1912, and began suit against Connolly to recover the balance of $110 due her, with interest. Connolly consulted his counsel, James F. Swanick, and they drew up an answer to Mrs. Sayward's complaint in which it was briefly stated that, while Connolly acknowledged making the notes upon which Mrs. Sayward was suing, he denied that there had been any consid-

eration for the notes. As Connolly explained yesterday, he told Mr. Swanick of the negotiations and previous stock transactions between himself and Mrs. Sayward, and while it was true she had advanced him $197, and he had given his notes to meet that amount, he felt she ought to take into consideration the fact that he had paid her a large sum for her stock in the Sayward Company, and that in the financial cataclysm that overwhelmed all Connolly's interests in the early part of 1910, shortly after he had borrowed this money from her, he found himself with a valueless judgment for more than $5,000 against the Sayward Company, of which Mrs. Sayward was still a stockholder.

*Says He Relied on Counsel.*

Connolly says he explained these things briefly to his lawyer, Mr. Swanick, and that the latter drew up a short form of answer which Connolly verified as a matter of course, without inquiring into its literal correctness, but depending entirely upon his counsel.

Thus it happened, Connolly says, that he verified an answer in which it was set forth that "the defendant denies that there was any consideration" for the notes given by him to Mrs. Sayward. She obtained a judgment against him, and later, in this year, he paid her back every cent that was due her under the judgment.

When Connolly was examined before the Joint Judiciary Committee, Cohalan's counsel, John B. Stanchfield, made a great to-do over this answer in the Sayward suit. Connolly admitted that the statement that there was no consideration for the notes was probably incorrect, but not explaining, because he was not asked or permitted to explain, that back of the matter was the stock transaction between Mrs. Sayward and himself in which he felt that he had not been fairly dealt with.

Connolly, when arraigned before Magistrate Barlow, entered a plea of not guilty, waived examination, and was held in $1,000 bail for the Grand Jury.

—*New York World.*

---

August 19th, 1913.

A STATEMENT made by Mrs. Sayward on Monday, August 18th, at her residence, 425 West 114th Street,

New York: Mrs. Sayward said: "I have no malice toward Mr. Connolly. The money was all paid, but I will tell you how it was. Fitzsimmons, Cohalan's detective, saw the affidavit up in 96th Street Court, with Mr. Connolly's signature, saying that there was no consideration for the notes. Fitzsimmons went up to Albany. They had all this arranged, but the agreement was to wait until everything was finished at Albany." Mrs. Sayward said this would never have come up only for the Cohalan case. She said that she herself or her lawyer would never have done anything.

Cohalan's lawyers (Jerome, Rand and Kresel), came to her and asked her whether she had given Mr. Connolly any money for the notes. They said she would have to tell the truth. She would have to say "yes" or "no." She consulted her own lawyer and he also told her that she would have to tell the truth. She would have to say either "yes" or "no." If she said "no," she would be committing perjury and would be arrested. She said she had no one to go bail for her, so she said "yes," she had given Mr. Connolly money for these notes, for the benefit of the Sayward Company's business. She said: "Cohalan's lawyers want to make Mr. Connolly as black as they can; that is the only thing they can find against him, and they are making use of it."

*Sayward vs. Connolly.*

In October, 1907, John F. Sayward, husband of Minnie C. Sayward, left this State for Canada, as his wife had issued a warrant for his arrest. The stockholders of the company were John F. Sayward, who held one share, Mrs. Sayward, her daughter Edith, and relatives of theirs, all Sayward by name, owning thirty-two shares of stock in the John F. Sayward Company, and Mr. F. W. Wilson owned the other seventeen, making fifty in all. Sayward also before leaving the State transferred one share of his stock to Wilson. The Company had some lucrative unfinished contracts and Mrs. Sayward and a mutual friend named William Campbell appealed to me as head of the Victor Heating Company to take over the business.

After an examination I found that the Company was not in a solvent condition, as there was no money in the treasury, but by finishing up the contracts and going after some

disputed claims, it might become profitable, as its good name in the heating trade among customers was worth something. Mr. Campbell became trustee of thirty-eight shares of stock, twenty-one of which Mrs. Sayward turned over to him, and I agreed to take their stock at $32.00 a share, one share each month. This agreement was kept, and I became possessed of thirty-nine shares of the Company. The other eleven shares Mrs. Sayward retained.

In January, 1910, Mrs. Sayward secured some money from her husband's life insurance policy, which she had to sue the Equitable Life Insurance Society for, and won. I called upon Mrs. Sayward in January, 1910, told her of the condition of the John F. Sayward Company, of which she was practically one-fifth the owner, and I the other four-fifths, and said that it required a little money covering the period of one, two and three months to carry on the business until some payments came in. She thereupon wrote out her check to my order for $197.00, which I endorsed over to the John F. Sayward Company, and deposited in the West Side Bank to the credit of the John F. Sayward Company, which money was entirely used for the benefit of the John F. Sayward Company. A month afterwards one-third of this money was paid, and on March 1st, 1910, the business of the Company came to an end. A few months later I secured personally a judgment against the John F. Sayward Company for $5,037.96. This judgment was recorded in my favor on August 25th, 1910, in the New York County Clerk's office.

In November, 1911, Mrs. Sayward brought suit for the two notes. As I was getting a slight salary, I paid her lawyer in two payments, $23.33, leaving a balance of $110.00. He refused to take any more "small change," and in March, 1912, began suit in the Municipal Court. I consulted Mr. James F. Swanick, an attorney at 302 Broadway, and briefly told him the above circumstances. He drew up an answer which I signed, and in reality personally did not receive any consideration for the notes.

Mr. Stanchfield at Albany raised a great tirade on this matter, which can be found on page 296, continuing to page 302 of the Printed Record. To sum up briefly, I had paid Mrs. Sayward on account of these two notes the sum of $23.33, while on a salary of $100 a month from the

Thompson-Starret Company. In addition I was to receive from them 10 per cent. commission on the profits of the business that I brought in to them. On June 17th, 1913, I received a check from the Thompson-Starrett Company through the hands of my counsel for $442.42, and on the same day paid to Mrs. Sayward's lawyer the sum of $165.00; in other words I paid for the loan of $197.00 that was used in the Sayward Company's business, of which Mrs. Sayward was one-fifth the owner, the sum of $254.66, being in excess of the original loan, $57.

Mr. Stanchfield wanted the impression to go out that the New York World paid this money, when, as a matter of fact, it was through my diligence, from monies earned on a salary and commission basis from the Thompson-Starrett Company.

This covers the entire case as I recall it.

*Documentary Proof on Sayward vs. Connolly.*

Supplementing my statement of August 19th, I have examined the check book and the bank pass book of the John F. Sayward Company for January, 1910, and I find that the balance to the credit of the Company on January 1st, 1910, was $15.71. On January 6th, Mrs. Sayward's check, amounting to $197.00, was deposited, and I immediately drew checks between January 6th and 8th for pressing creditors as follows:

| | |
|---|---|
| Wilbur Mercantile Agency | $32.41 |
| Pressed Radiator Company | 50.00 |
| Godfrey-Keeler Company | 50.00 |
| J. W. Shorrock | 61.05 |
| Making a total of | $193.46 |

You will note the first check is to a collecting agency, and the last three checks were payable to the Sayward Company's lawyers (Van Ness & Van Ness), as these creditors had brought suit against the Company, and I had turned over the papers to the lawyers.

This was the sole motive at the time for securing the money from Mrs. Sayward. **The consideration passed immediately to the John F. Sayward Company, and not to me.**

This trifling episode in my business career speaks for itself, is convincing on its face, coupled with the absolute absence of any intentional wrong-doing or possible injury to anyone.

COURT OF GENERAL SESSIONS OF THE PEACE
COUNTY OF NEW YORK

Clerk's Office, May 12, 1915.

| | |
|---|---|
| THE PEOPLE OF THE STATE OF NEW YORK *against* JOHN A. CONNOLLY | ON COMPLAINT FOR PERJURY |

Dated, August 12, 1913.

I DO CERTIFY that it appears from an examination of the Record of Complaints on file in this office that the above complaint was dismissed by the Grand Jury, at the April term, 1915, and the said JOHN A. CONNOLLY and his surety, Massachusetts Bonding and Insurance Co., were severally discharged from their Undertaking to Answer.

(Signed) EDWARD R. CARROLL,
*Clerk of Court.*

SEAL

10 cent
Revenue Stamp.

I submit, however:—

That the members of the Constitutional Convention will make a serious mistake if they fail to consider the demand for the creation of the office of "Public Defender" as a grave and reasonable one. More of the public than the legal body realizes are interested in the establishment of this post, especially in cities of the first class, where the number of cases before the courts, and their necessarily rapid disposition make it a difficult matter to give each person entangled in the toils of the Law—no matter what his financial or social rank may be—a just and equable decision.

Again, when one considers the types of District Attorney we have had in the past, the folly of according them almost tyrannical jurisdiction is clearly apparent. When we reflect

that Mr. Jerome was District Attorney of New York County for eight long years, one shudders at the possibilities open to a publicity-seeking District Attorney who, to make a record, will prosecute many unfortunates without means or friends. His two chief assistants for a good part of that time were Rand and Kresel, and Norman J. Fitzsimmons, who now conducts a private detective agency, was attached to his staff. Such a quartet, exercising almost despotic power, should open the eyes of every citizen to the advisability of providing a check upon public prosecutors.

When I myself had to do with the Law, Kresel—the lawyer of liliputian proportions, and probably the tiniest legal luminary in the world to-day—sent a threat of arrest for me, via the New York Sun, from Albany, in obedience to its client. Jerome himself, on the last day of the Cohalan investigation, came over to me as I sat with counsel at the Bar Association table, and comforted me in this fashion: "John, we will put you in jail, sure!" Had Jerome still held the office of District Attorney in New York, I haven't a doubt but that he would have found some way of doing so—no matter whether the evidence warranted it or not; if I escaped at the close of the investigation, he would have planned to "get me" later for something or other.

If Jerome failed dismally in getting me free rations in the State boarding house, he was brilliantly successful in getting himself behind the bars up in Canada a few months later—while pursuing the elusive Harry K. Thaw—and for so plebeian a pastime as gambling—no doubt thinking that his prestige, which enabled him to flout convention here—would stretch across the St. Lawrence. When I next met Mr. Jerome, in City Hall Park, I had the pleasure of congratulating him on his incarceration and having to swallow a dose of his own medicine. Luckily, his subsequent activities in trying to catch and crush the "human flea" have been brought to a close. Notoriety and the undignified vindictiveness in connection with a case no different from many others except that there was money to be had by squeezing, have cancelled his reputation as an attorney and made him the laughing-stock of the profession and the reading public as well.

## CONCLUSION.

Gentlemen, of the Constitutional Convention, you are charged with a grave duty. The burning question of the times is the just, exact, and fearless administration of the laws. You must make provision in our Constitution for laws concerning individual and social justice. If the welfare of the people is subordinated to the selfish interests of any class; if you perpetuate the essentials of the present Constitution, which has been distorted and emasculated by judicial legislation, "you compel us to go out into a night illumined by no star, to embark upon an ocean whose farther shore no mariner may find, to traverse a desert where an ever-retreating mirage makes disappointment a thousand-fold more keen."

# CHAPTER XVI.

## "LEST WE FORGET—."

*No Stone or Monument to Show Leader's Resting Place!*

The body of David B. Hill, who for more than thirty years was a power in politics, who for seven years was Governor of New York State, and later a United States Senator, lies in an unmarked grave in a little cemetery high in the hills overlooking the village of Montour Falls. There is nothing to indicate the spot where one of New York's most noted public men is buried. The place of burial is shown in the picture by a handkerchief spread on the tall grass, and the foot of the grave is indicated by a cross mark.

David B. Hill died in Albany in October, 1910. It was in accordance with his wishes that the body was taken to the Montour Falls Cemetery, to be laid by the side of his father and mother. No stone or monument has been placed to mark the last resting place of a man who was Governor of the Empire State for a longer period than any other Governor since DeWitt Clinton, who had served a term in the United States Senate, who on more than one occasion was regarded as a presidential possibility, and who in more than one Democratic convention wielded tremendous power. Few public men have been in the public eye for so long a period of time as was David B. Hill, and to the residents of Montour Falls it seems strange that his grave still remains unmarked.

—*The Knickerbocker Press, August* 31*st,* 1913.

**"I am for Stanchfield!"**

—*David Bennett Hill.*

*An Urgent Appeal to the Democrats of This Convention.*

The foregoing article speaks for itself, and if ever there was a reason for the unit rule, it should be applied here. All the members of this Convention are fully cognizant of David B. Hill's services to the Democratic party in State and nation, and no words of mine can dim or exalt that record. As I cannot participate in the deliberations of this

Convention, I can fall back on my Celtic origin and, as a "patient member of a patient race," at least "mix in."

The last time I saw David Bennett Hill in action in State politics was in Saratoga, at a convention held in 1904. After seventy-two hours of pulling and hauling by different delegations, who called on the Senator-Governor at his headquarters—all pleading for their respective candidates for Governor—Mr. Hill gave no sign of his personal preference until a few hours before the assembling of the convention. When "Gene" Wood, of Albany, notified Mr. Hill that the Albany County delegates were to caucus, and that their candidate would be D. Cady Herrick, Mr. Hill replied: **"I'm for Stanchfield!"** Wood replied in astonishment: "If you are, Governor, you are the only man in the convention for him!" Mr. Hill not only surrendered, but took the platform and with true grace nominated his arch political enemy, Donald Cady Herrick.

Inasmuch as Messrs. Stanchfield and Sheehan were both personal and political friends of our late lamented leader, I suggest that they take the initial steps to rectify this glaring oversight, and that they act in conjunction with a former Charity Commissioner—Mr. Michael J. Drummond—who did very effective work on the "Commodore John Barry Memorial" at Washington, and had complete charge of the "Fontenoy Memorial" erected on the battlefield of Fontenoy in Belgium August 25th, 1907, for the Friendly Sons of St. Patrick of the City of New York, in memory of the Irish Brigade who fought there May 1st, 1745.

I would therefore make the following motion:

*Resolved,* That John Barry Stanchfield, William F. Sheehan, and Michael J. Drummond, be appointed a committee for the raising of funds for a "Hill Memorial," and that they have full power to appoint sub-committees for auxiliary work throughout the nine judicial districts of the State.

# GUTHRIE

A JEKYLL ON "CONSPIRACY"
—A HYDE ON "AGREEMENT"

## POLITICAL UPHEAVAL SERIES

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BOOK THREE

---

JOHN A. CONNOLLY

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JULY 10th, 1915

Constitutional Convention Edition

THE NARION PRESS

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"We must bear in mind that it is not the pulpit nor the press, but the law, which reaches and touches every fibre of the whole fabric of life."

WILLIAM D. GUTHRIE.

# FOREWORD

In some cases "reform," like charity, should begin at home. If the best minds of the assembled law-body proper devote their time and talent to the preparing and drafting of important and beneficial measures to be laid before the Judiciary Committee of the 1915 Constitutional Convention —they had better ascertain the talent and reliability of the legal minds who advise the Convention and consider carefully their prepared and prayerfully submitted reforms.

A sand-bar may be formed of the finest, glittering amber particles, and yet such a shifting shoal is hardly the soil in which to place the precious seeds of human betterment. They will be either unearthed and gobbled by the gulls of Self-Interest, or, having fallen on barren ground, will be submerged and rotted by the waters of Indifference. The stalk and full-grained sheaf which would mean so much to the struggling citizenry of this State will never see the light. It is absurd to expect men whose ears have become stone-deaf to every sound save the ringing fanfaronade of Moneyed-Interest to hear the hoarse cry that the Common-People have raised against the injustices that so thickly beset them.

Among your number is a lawyer who helps to keep the skull-and-cross-bones flying at the mast of Corporation Lawlessness. This man has for years been a highly specialized pilot in the precarious and profitable occupation of towing such piratical craft as Manipulation and High-Finance into port and docking them at the pier of Special Privilege, safe from the whipped-up seas of public indignation. Do you fancy for a moment that this long and hard-baked training—this habit of biased decision—can be utilized for a second to the advantage of any other class? Do not deceive yourselves.

In this little booklet I will illustrate what happens when one of these professional law-dodgers undertakes to steer

a merchantman through dark and hostile waters. Whatever idea he may have on taking command as to the honorable discharge of his duty, Habit will make a traitor of him. The moment he hears the bellowing siren of the Brazen-Calf, he will send up a return rocket and make you a full target for the enemy.

In 1913 one of these so-called leaders of the Association of the Bar was given full-speed ahead on the Cohalan Investigation by what is alleged to be the most influential legal body of the city of New York. Then with the ship under full steam, his assistants at the wheel and in the lookout, himself on the deck with his binoculars, with the masked batteries manned and ready for action—loaded with the 42 charges furnished him by the legal arsenal on Forty-fourth Street, all as strong as those that belch forth from 42 centimetre guns—he suddenly swung about, described loops and circles, sent the sailors to the collapsibles before a shot was fired, and tamely surrendered to a boarding party from Fourteenth Street. In full view of the people of this State, the good ship Documentary Evidence was scuttled and sent to the bottom.

As the layman who furnished most of her cargo, I have earnestly sought to discover what secret signal from the political pirates induced him to betray the Evidence and expose her to this treacherous attack. At last I have succeeded in tracing a mysterious wireless, on the receipt of which he straightway lost his nerve, and incidentally his professional reputation. You should know by this time that I refer to the eminent corporation lawyer named William Dameron Guthrie.

# CHAPTER I.

## COMMITTEE ON GRIEVANCES.

### (Minus a Guthrie).

The World printed in May, 1913, my charges that Supreme Court Justice Daniel Florence Cohalan, the legal and political adviser of Charles F. Murphy, took a note for $4,000, when we were personal friends, the return for it to be a lucrative political post for me. Justice Cohalan failed to keep that promise, made more than two years before my charges. Threatened with action at law, Justice Cohalan surrendered the note, as the alternative offered him, the note with the estoppel affidavit that accompanied it was surrendered to Lyman E. Warren, my attorney. Back of this note was a series of transactions during the years 1904, 1905, and 1906, between me and Justice Cohalan which involved the payment of various sums to the latter by me, aggregating $3,940.55. I claimed that D. F. Cohalan demanded and obtained from me 55 per cent. of the net profits on all city work that came to my company through Cohalan's political influence, and the payments made to him were calculated on this basis; and our friendship ceased when Cohalan demanded $1,500 more than I calculated was due him.

The Grievance Committee of the Bar Association held a meeting on the matter of the charges preferred against Justice Cohalan by me. They decided to proceed immediately with an inquiry on the charges, and the circumstances surrounding them. The Bar Association Grievance Committee as a first step obtained from the World the necessary documents in the case and asked The World to give such assistance as was possible in the efforts on the part of the Committee to get at the facts.

This Committee, before which I appeared in June, 1913, serves as a judicial clearing house for all sorts of complaints, meritorious and otherwise. While I believe this body is over-worked for ten months in the year, and the gentlemen

who comprise it give their time freely without compensation, I must say that I was accorded every courtesy. Its chairman was Mr. Townsend, a gentleman and lawyer of the old school, who presided with dignity. Its attorney, Mr. Chrystie, a young man of considerable force and discernment, brought out the salient facts from all available witnesses without fuss or bluster. The members were democratic in action and deportment. Hold-aloofers in gowns, Blue-bloods in silk petticoats, and Underlings in brass buttons were agreeably absent, yet Justice was quite apparent. No raucous voices from the quasi-jurists interrupted the proceedings. The only sound other than the witness talking was the buzzing of electric fans, which cooled and at the same time thinned the judicial atmosphere. The working material secured from witnesses by this committee covers 267 pages of printed record, on file at their law library—a record obtained in a smooth and dexterous manner by a gentlemanly attorney and an assembly of legal jurists.

Although the legal profession as a whole has fallen under the cloud of public distrust, I believe that no abuse will follow if this Committee on Grievances be given power in the new Constitution. This is the opinion of a layman based on conclusions formed while in actual contact with this very valuable adjustment bureau.

## CHAPTER II.

### ENTER, GUTHRIE!

I was introduced to Mr. Guthrie on July 2nd, 1913, and had a splendid opportunity to study him at close range for nine days. Autocratic as a Hindu Swami in demeanor, he yet appeared to have a prodigious appetite for hard work and research; executive ability of the dominant order kept all his assistants busy on different phases of the case he had in hand. He met me in a friendly manner, however, told me confidentially that we had an "adverse court" to contend with, and advised me to have a personal attorney.

Mr. Guthrie in one instance produced a clipping from the Biographical Department of the New York "Times" featuring Daniel F. Cohalan, and asked me if I could swear to having read it in 1911. I answered affirmatively, for I had read it. On another matter my answer was neces-

sarily negative. This time he persisted beyond my patience, insisting that if I could see my way clear to say "yes" it would help his case materially. I replied that I was not in the habit of swearing falsely for the accommodation of any lawyer. So, seeing that the trap could not be sprung, he apologized promptly and gamely.

He went at the preparation of the case with all the vim and enthusiasm of a man-eating barrister, studied the Hooker and Droege cases with avidity, referred warmly and significantly to "hush money," and in a frenzy of indignation called a fellow-member of the Bar Association "a damned scoundrel"—this to a man who had been a member of that body since 1884.

Suddenly, in the face of this brave preliminary, he turned like a human chameleon to a vivid Tammany hue. Instead of the gallant ardor with which he had begun his task, he deliberately set to work to destroy the effectiveness of his defense and repudiated his own policy. He slyly denied me the privilege of conferring with Deputy Attorney-General Kellogg when he called at the Bar Association rooms. In short, his pivotal, steel-plated corporation soul had begun to swing irresistibly to its unconfessed affinity—and the money-magnet of Self-Interest was surely claiming its own.

He had warned me not to mention Mr. Murphy's name, though in the beginning he had ordered Mr. Chrystie to subpœna Mr. Murphy. A little later, when he pulled off his Jekyll-Hyde dissembling act, I was at a loss to account for his change of front. But the following chapters, devoted to this Judas among counsels, will reveal his very personal and potent reason for not calling the "Big Chief."

## CHAPTER III.

### PROCEED, MR. GUTHRIE.

The editorials which comprise this division are given in their entirety as they appeared in the "New York World." They were evidently written with absolute confidence in Mr. Guthrie as an able prosecutor and an "honorable member of a great profession." That he fell far short of these requirements will be clearly presented, and the reason developed, but only after a painstaking investigation of many months' duration by the writer.

## PREPARING THE WHITEWASH.

The charges filed by W. D. Guthrie for the Bar Association against Justice Daniel F. Cohalan are these:

1. Conspiring unlawfully to procure city contracts.
2. Conspiring to destroy evidence.
3. Conspiring to procure the Connolly note.

These charges allege unlawful acts. The Tammany members of the Joint Judiciary Committee plan to restate them in softer language. Boss Murphy has picked out a counsel for them, who is to ask all the questions of all the witnesses. They announce—not through one of their own number, but through Senator Wagner, Murphy's Senate leader—that they "don't intend to let the Bar Association run this investigation."

Such action seems to give credence to the belief that there is in preparation for the Justice so gravely accused not an investigation, but a whitewashing. The Cohalan case is before the Legislature only through the Bar Association. It was upon its prompt and public-spirited action that Gov. Sulzer laid the matter before that body.

Will the Bar Association submit so to be muzzled when the honor of the bench and bar are at stake? Will it calmly accept Murphy's decree that it has nothing to do with this investigation?

July 2nd, 1913.

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## "AGREED."

Seeing the exquisite consideration shown to Justice Cohalan by the Joint Judiciary Committee of the Legislature, who shall say that courtesy has departed from our public life?

As counsel for the Bar Association, W. D. Guthrie drew up charges alleging that Justice Cohalan had—

1. Conspired to get city contracts for a percentage;
2. Conspired to destroy evidence;
3. Conspired to get Connolly a job for a promissory note for $4,000;

4. Conspired with Connolly to make a false affidavit;

5. Made an "untrue and misleading" statement.

Sharp was Mr. Guthrie's rebuke for this ungentlemanly language! "The Committee," said Mr. Kellogg, its counsel, "feels that use of the word 'conspiracy' is unnecessarily harsh." To the phrase "unlawfully agreed" he also objected, in words recalling Koko's excuses to the Mikado: "If the matters which were agreed upon were unlawful in their nature, . . . it is quite unnecessary to state that the agreement was unlawful." So for "conspired" the word "agreed" is substituted.

Now we know how criminal statutes should be politely written. Instead of burglary, "intrusion." Instead of theft, "mislaying." Instead of murder, "assisted euthanasia." If an act is illegal, it is "unnecessarily harsh" to say so. Spare the delicate sensibilities of the accused. The only question, after all, is: Did the poor gentleman in the dock do it?

July 5th, 1913.

---

## IS IT TO BE WHITEWASH?

The Legislature will begin considering to-morrow the question whether Daniel F. Cohalan—

1. "Agreed" to get city contracts for a percentage;

2. "Agreed" to destroy evidence;

3. "Agreed" to get one Connolly a city job for a promissory note for $4,000;

4. "Agreed" with Connolly upon a false affidavit.

In each of the four charges summarized, the word "conspired" appeared in the original draft prepared for the Bar Association by Mr. Guthrie. In each it was changed to "agreed" at the request of the Joint Judiciary Committee of the Legislature, through Counsel Kellogg. Nevertheless, each charge, however mildly phrased, describes an unlawful agreement, a conspiracy.

Each of these charges relates to a time when Mr. Cohalan was a practising attorney. The fifth charge indicts Justice Cohalan, while upon the bench, on May 31, 1913, as having made an "untrue and misleading" statement. A record

illuminating the statement so described is given in the article elsewhere published in this issue.

The anxious care of Counsel Kellogg and the Joint Judiciary Committee to spare Justice Cohalan's feelings prompts the question whether the intent in Albany is to find the facts or wield the whitewash brush under Charles F. Murphy's artistic tutelage. The people will soon know.

July 7th, 1913.

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## CHAPTER IV.

### GUTHRIE AT ALBANY, BEFORE THE JUDICIARY COMMITTEE.

A four days' observation of the tactics of a Foremost Lawyer, like Guthrie, supposedly battling for the "honor of a great profession," would shatter the most reserved confidence in any legal satellite of corporate tendencies.

After the "New York World" exposé of the United States Shipbuilding Company, in December, 1903, Guthrie, who was Charles M. Schwab's lawyer, made one of his usual high-and-mighty attempts to coerce a free press. At that time Lawyer Wollman, of Mr. Untermyer's office, evidently familiar with the quicksand in Guthrie's nature, told him to his face: "It would be very hard for anybody to co-operate very long with you on anything. I guess that has been found so by anyone who has endeavored to do it, or started in to do it."

This, to my mind, is a condensed, literal and accurate statement. It coincides with my own opinion after my experience of nine days with such a legal stool-pigeon. At Albany he bade me adieu with a smiling face and a hearty clasp of the hand. Just as soon as my back was turned, entrained for New York, he uncrossed his fingers and started with a torrent of abuse for his **chief witness** before an **"adverse court."** If an "honorable profession" permits such treacherous behavior, a rightly trained man would do well to favor such callings as—well, say steam-fitting, glass-blowing, or bar-tending.

I wish to call attention here to a few of his "mistakes" (reconsiderations) in conducting the case. He brought Marvyn Scudder, the celebrated certified public accountant, with his assistant, Mr. DeMerit, up from New York on

a hurry-call by telegraph—so that Mr. Scudder could testify that his written report submitted to the Bar Association proved that 55 per cent. was paid by the books of the Victor Heating Company. (It is well to state here, parenthetically, that the financial manager of the "New York World" would not touch the story until their expert also proved that the books showed a paid commission of 55 per cent.)

After the arrival of the two accountants in Albany, Mr. Guthrie straightway notified them that they could return immediately to New York, as their testimony was unnecessary. An episode in Guthrie's career where Marvyn Scudder played an important rôle will sandwich in here nicely:

At a hearing before the Public Service Commission in May, 1910, concerning the Third Avenue Railroad, according to Mr. Scudder there was paid out of construction funds by the Morton Trust Company, $50,000.00 to the "constructors"—I beg pardon, "lawyers," who were Guthrie and Steele. There were no vouchers for this large sum, so Guthrie cross-examined him. As it turned out, Scudder's report got in over Guthrie's objection, but Guthrie promptly dubbed the whole incident "scandal-mongering." No doubt the sight of Scudder, the scandal-mongerer, "riled" the virtuous ex-constructor sorely; in any event, Scudder and his assistant, along with their valuable testimony, were promptly ordered off the scene of action. This petty grudge not only weakened the case, but brought discredit to me through a withholding of the facts.

Truly, the second thoughts of a corporation counsel are long, long thoughts!

Another unexplained vagary makes one wonder whether his tremendous energy is anything besides a constitutional, whirling weather-vane which veers with every breeze. Lawyer Warren had his hotel bill paid and his grip packed in order to leave Albany on the early morning train, when he found occasion to inform Mr. Guthrie that he could corroborate Mr. Connolly on a very important point that had not been brought out sufficiently. Guthrie requested Mr. Warren to remain over for an afternoon train, saying he considered Mr. Warren's additional testimony highly essential. Mr. Warren complied, but Guthrie failed even to call him. Does such erratic procedure argue the orderly logic imperative to his calling?

Notwithstanding his strenuous activity, and that of his office assistants, coupled with those of the Bar Association, he brusquely told me that he had not taken the time to read my story in three chapters that appeared in the "World"—although that **arrangement of facts** was the most forceful I could have given him.

Now, finally, the fact that he used me for a general swear-receiver for the private purpose of stalling off Jerome, did most damnably derogate my case. Jerome's reference in his summing-up to the Inns-of-Court of Great Britain on Page 504 of the Printed Record, coming from the cigarette disciple of Sir Walter Raleigh, sounded forceful to the foggy notions of the smoky legal Indians of Tammany Hall. I would remind Jerome and his tribe of Gero(m)inos that in accordance with the London Chronicle, King George III christened the Inns-of-Court "The Devil's Own." One milder term that Guthrie applied to me, and which comes from his pet collection of stock phrases, must have been fished from a realization in his own consciousness. I refer to the word "shiftiness," which describes properly the reputation built on sand.

As a young man in the '80's Guthrie was a member of the Catholic Club, then located in 27th Street. For twenty-one years he dropped out, or "shifted" elsewhere, only to shift back in 1911. There must have been great rejoicing when the sacred greased sheep slid back into the fold!

I trust it is no reflection on Denis Kearney to call the eminent Dameron Guthrie, another Californian by birth, a second "Sand Lot Orator." Sand or silt—it is all the same.

## CHAPTER V.

### GUTHRIE, MURPHY, ET ALS.

In chapter five I have reproduced the ammunition referred to in the foreword to this book. It can be seen at a glance that this corroborative evidence would have had the weightiest influence if it had been properly introduced into the charges against Justice Cohalan. It proves positively that he and Charles F. Murphy were hand-in-glove on every deal in which "The Hall" saw the possibility of

making get-rich-quick money by employing any means whatsoever, and in large sums at that. It also reveals the established custom of the Fourteenth Street financiers in which they demanded half of the stock of any Company which they condescended to loot.

In Guthrie's letter of July 1st, 1913, one can perceive the seemingly genuine indignation he felt against a member of his own profession who had thrown the judiciary into bad odor. His intention at that time was most plainly to circumvent any attempt that might be made to block his attack. In an incredibly short time his attitude had changed entirely, and he made no use of the effective material furnished him which illustrated that Cohalan was the arch conspirator in every money-making deal that came within "The Hall's" latitude. The moment he was convinced (by perusal of the fireproof wood conspiracy) that Cohalan and Murphy were accustomed to sharing the benefits and the guilt of such road-agent tactics, he laid down, and like a good dog wagged his tail for "The Hall's" approval, which he undoubtedly got, though in what substantial manner I am not prepared to say.

This "fire-proof-wood" article, along with Mr. Carroll's vacation letter to Boss Murphy, was ample justification of a Murphy subpœna, without which the **whole** truth could not possibly be revealed.

GUTHRIE, BANGS & VAN SINDEREN.

VICTOR MORAWETZ.

44 Wall Street, New York.

**In re Cohalan.**

July 1st, 1913.

DEAR MR. TOWNSEND:

I attended yesterday with Mr. Chrystie at Albany, and found indications of a disposition on the part of the Committee to retain its own counsel, and to have the whole proceeding conducted by him, simply permitting us to make suggestions. I had anticipated some such move and apprehended that the Committee might, through its own counsel, formulate innocuous charges which the Joint Committee could readily vote had not been established. I had there-

fore prepared the enclosed, which I filed with the Committee.

You will notice the emphasis placed in these charges upon the allegations of conspiracy. I did this in view of the fact that, perhaps for the purpose of limiting the inquiry, the Legislature provided that "all the legal rules in regard to the introduction of evidence and in the examination of witnesses prevailing in the courts of record in this State shall be observed by the presiding officer, subject to an appeal to the committee." As you know, the rules of evidence allow the greatest latitude in conspiracy cases, and besides permit the introduction of evidence of the acts and declarations of any one of the conspirators, although not in the presence of the one accused.

I shall be glad if you will submit these charges to Mr. Hornblower and Mr. Pierson, and instruct me whether you and they approve them. I do not want to run the risk of having my authority to formulate such charges challenged. I am sure you will appreciate the importance of having the record in this respect kept straight and of being fortified by the approval of the President and the Chairman of the Executive and Grievance Committees.

I have received evidence of other charges against Judge Cohalan, and enclose a memorandum handed me yesterday by Mr. ——, which speaks for itself. He also showed me some corroborative evidence. It may become important to submit additional charges. I would like to have the authority of the Grievance and Executive Committees to cause additional charges to be submitted to the Legislature directly on behalf of the Bar Association, or through the Governor, who promises his active co-operation.

I should also like to confer with you and Mr. Hornblower and Mr. Pierson in regard to what action I should take if, as seems probable, the Joint Committee declines our effective co-operation. The whole purpose of the investigation, which is to ascertain and disclose the **whole** truth, will depend upon its thoroughness and upon the examination and cross-examination of witnesses. For us to attempt to do this through the Attorney-General or his assistant by means of questions to be suggested beforehand would be extremely difficult if not abortive. What shall I do if I

find the Joint* Committee bent upon excluding relevant evidence and in refusing to permit us to examine or cross-examine witnesses, as Senator Wagner told me yesterday would probably be done? I am anxious to have the benefit of the judgment of the officers of the Association upon this point.

Yours faithfully,

(Signed) WILLIAM D. GUTHRIE.

HOWARD TOWNSEND, ESQ.,
Chairman Grievance Committee, Bar Association.
42 West 44th Street.

Encs.

A telegram which Guthrie sent a few days later to Deputy Attorney-General Kellogg is highly illuminating. It contains a direct contradiction of his advice and intentions as outlined to his fellow officers and colleagues of the Bar Association on the first of July. Was Guthrie "stringing" that unsuspecting body in the first instance, or did some signal breeze shift the weather-vane in the direction of Tammany Hall? I am convinced that "something happened" in those few days which induced Guthrie to hastily reconsider. The yellow-streak telegram was given to the Press at Albany by Mr. Kellogg on July 7th, 1913, and shows his complete reaction:

**"It was I who suggested that the language of the original draft should be modified, so as to avoid characterization of alleged cause by unnecessary opprobrious terms which did not add to the legal effect of the statement. "(Signed) Wm. D. Guthrie."**

The contrariwise selection of "delicate" terms certainly did add to the legal effect of the statement, and in Cohalan's favor. By couching the accusation in "sissy" language, he emasculated the entire proceedings, and made the motive of their deliberations seem trivial indeed. This strange solicitude applied only to Cohalan—it did not include me, and the reason is straightway given.

George R. Meeker, of 178 Hancock Street, Brooklyn, and now living at South View Park, Rye, N. Y., can testify to the following, so far as he was concerned in the facts:

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*In handwriting.

In 1908 and 1909 Tammany Hall was very active in the Board of Aldermen, seeking to have a new building code adopted that would compel all buildings above 150 feet to use hollow fireproof tiles, as manufactured by the National Fireproofing Company, of which D. F. Cohalan was then, and had been for years, the general counsel. The principal opposition came from the Roebling Construction Company, which had adopted a cement made of cinders for fireproofing floor construction. Cohalan was extremely active before the Board of Aldermen, and outside, seeking to have the new code adopted. A committee of building experts, hired at a cost of $380,000 (city money), had reported favorably on the bill, but it was vetoed by Mayor McClellan, who was then waging bitter war on Murphy.

William A. Hall, an inventor, then with offices at 220 Fifth Avenue, now in the Chemists' Club on West 41st Street, about this time came to the office of Charles R. Flint—where George B. Meeker was employed—to seek advice as to how to promote the use and sale of a wood fireproofing process which Hall had perfected. Hall was then president of the American Mahogany Company, and had associated with him Charles S. Bryan and W. B. Chisholm, two wealthy Southerners. They had bought up the Fire Proofine Company, 154th Street and Harlem River, and had as rivals the Electric Fireproofing Company, and the American Fireproofing Company. Their general attorney was H. A. M. Smith, now a Federal Judge at Charleston, S. C.; but Hall's personal counsel was George J. Gillespie, of Gillespie & O'Connor, 20 Vesey Street, New York City. (Gillespie is a close personal friend of Cohalan and managed Cohalan's senatorial campaign in 1911. I will also add here that in all my dealings with Mr. Gillespie I found him a highminded, honorable gentleman, of unquestioned character and a loyal friend at all times.) Gillespie had advised Hall that he ought to get Tammany Hall interested in his fireproof wood, and Hall came to Flint to get advice about arranging that. Hall had a scheme in mind to get a new code adopted bringing the fireproof building height down from 150 to 100 feet, so greatly increasing the amount of fireproof construction, and to make the use of wood, **properly** fireproofed, legal. Hall also

wanted to buy in the two rival concerns, so that his company would have an absolute monopoly.

Flint suggested Meeker as a young man experienced in handling promotion schemes and difficult negotiations, so Meeker was employed by Hall on a basis by which he would have a large share of stock and some cash should the scheme be successful, in addition to a good salary.

Meeker wrote to Murphy for appointment and got a letter fixing the meeting at Tammany Hall, where Meeker went, and outlined Hall's plan, which appealed to Murphy as a good one. At Murphy's suggestion, Meeker brought Hall to see him and they met there Joseph D. Carroll (now dead), Murphy's greatest friend in business and politics. These three went over the proposition and Carroll told Hall and Meeker that it would have to be approved by another man who handled all such matters for "The Hall." Carroll said he would make an appointment for meeting this man, and a few days later Carroll telephoned Meeker to bring Hall to the Knickerbocker Hotel to meet the "last man." They went, and met D. F. Cohalan, with whom and Carroll they went over the whole thing again. Cohalan was enthusiastic, saw limitless possibilities in the scheme, but laid down as a first condition that before it could be touched Hall must organize an entirely new company, on lines which Cohalan would suggest. It was to be incorporated in New Jersey, and its charter must conceal as far as possible all the fireproofing end, and the capital must be small.

At later conferences the name of the new company was discussed. Cohalan was all for calling it the "Jefferson" Company, saying that the very name of "Jefferson" was invaluable under the circumstances, as of deep import to all Democrats. But Carroll and the other overruled him, and the name of "Lincoln Company" was adopted. It was organized through George J. Gillespie, one McCarthy in Gillespie's office, William F. Delany, also in that office, and some third man, were the incorporators. The capital stock was only $2,000.

Cohalan meanwhile made a physical inspection of the wood, and one day visited the Pennsylvania Station, where some fireproof wood was being used in construction work. He went there in an auto, accompanied by Meeker part

of the way, and all the way by Hall and J. C. Yates, now of Pine Hill, N. Y., who was made **assistant** treasurer of the Lincoln Company. (Yates married a Schley, of Moore & Schley, and so had the requisite banking connections.) Meeker met the other three, after the inspection, at Hall's office, and immediately Bryan, Chisholm, Hall, Yates, Meeker, Gillespie, and Cohalan went into a final conference regarding money and stock matters.

It was decided by Cohalan that the Lincoln Company's stock should be increased to $1,000,000, of which Hall, Bryan and Chisholm should get $200,000 preferred, with which to buy in the rival concerns and their own, paying 8 per cent. dividend, and that they were to get 20 per cent. of the profits of the company in salaries for management. The $800,000 common stock was to be divided as follows: $400,000 for Hall and his friends, and $400,000 for "Tammany Hall." How this was to be split is still a question. But the $400,000 to Hall, etc., was not to get any dividends until 6 per cent. had been assured to the other $400,000, or something to that effect.

Matters moved along rapidly. Gillespie actually had the new stock printed and delivered at his office, and there another meeting was held; Cohalan insisted that the $400,000 Tammany Hall stock must be so transferred as in no way to involve Cohalan, and accordingly it was handed, in Meeker's presence, to W. F. Delany, Gillespie's clerk. Cohalan was also there.

Then the new building code was presented before the Board of Aldermen, but by this time such a scandal had centered around all efforts to change the code, due to Cohalan's own activities, that the new code, dropping the heighth of buildings from 150 feet to 100 feet, and containing some obscure clause which would have permitted fireproof wood, was defeated on the floor of the Board.

Tammany having failed, Murphy and Cohalan got scared and notified Hall that he could "have his stock back." But Hall would not take it, fearing complications, and Meeker has a letter from Hall to that effect, in which he speaks of Murphy and Cohalan as the "et als" and says he will not take the stock back. So Delany has it, presumably.

The Lincoln Company then collapsed. The letter of

J. D. Carroll to Murphy herewith is *prima facie* confirmation of the story:

New York American, December 15th, 1909.

Mr. Carroll writes from Teaneck, N. J.

Dear Commissioner:

Your welcome letter received. Glad you are getting rested. Mr. Cram suggested to me to take Galvin and Moore to St. James, which I intend doing Tuesday. Commissioner Edwards rejected all snow bids, and is going to readvertise. Dan Cohalan has agreed on the legal end of that wood, with Gillespie, who represents the wood people. I suppose it is all O. K. to let him handle it. I gave him instruction that the stock should be made out to me. You can arrange that end on your return home, **but we must get the wood into the code.** "Murphy" in the building department is testing it out now. I am doing that end on advice from Dan Cohalan. Edwards wants to get that sprinkling let before January 1st.

I am afraid to take a chance with him now, from the way he has acted on the snow. However, will know more after to-morrow. Will see Jim (Gaffney) to-morrow morning. Hoping you are well and come back **ready for business.**

As ever,

"Joe."

The above is one of a series of letters to a Boss, taking the "rest cure" at Mount Clemens, Michigan.

## CHAPTER VI.

### A RETROSPECT ON GUTHRIE.

I discovered in 1913 that the black gown of a Supreme Court Justice was as inviolable as the Seamless Robe, no matter what sort of a warped mentality and morality it shrouded. It is more impregnable than the revered cloth of the clergy and priesthood, for when one of the latter sins against society or defies justice, he is unfrocked and punished just as any other offender would be. A great many lawyers, too, have come to consider themselves as in-

vulnerable, seeking ready refuge and immunity in the very laws they interpret, and are so very familiar with. Luckily, however, they are subject to the discipline of the more honorable of their own profession, and to the criticism of the reading public through the effective medium of the press.

Some English Lord Chancellor in the Eighteenth Century once remarked egotistically: "The law is the true embodiment of everything that is excellent—and I, my Lords, embody the Law!" We have come to know, however, that the Law, like every man-made edifice, has not only its weak places, but its dangerous pitfalls as well. A man who embodys the true law, and represents it in its true spirit—that of Justice—is an excellent man in the demonstration of an excellent institution. But there are other lawyers who seem to embody all the rotten spots in that great human system, which, unintentionally, perhaps, contains many errors. The legal profession, like the medical, contains its heavily paid abortioners, who secure the miscarriage of Justice, and are well protected by their own deftness and the gratitude of mysterious wealthy patrons. If all his operations are successful, exposure is quite unlikely unless some one with an inkling of his true character takes the time and the trouble to verify his suspicions, and reveals his nefarious malpractice.

William D. Guthrie has paraded in season and out of season as the Dean of the Association of the Bar of the City of New York. He even has the audacity to sit in judgment as the Chairman of its Judiciary Committee on the qualifications of lawyers for Justices of the Supreme Court. That is folly enough. To permit him to participate in deliberations which determine largely the social, political and economic welfare of the people of New York State is rank idiocy. The very fact that he has been a **successful** corporation lawyer for twenty years should be enough to disqualify him for any task on which the fate of the common citizen depends. His interest and his sympathies are necessarily allied with the wealthy classes, and it is not to be expected that he would bestir his intellect in behalf of the people for whose protection from corporation oppression the laws are made. Unless this Constitutional Convention is destined to be wholly reactionary, it had better exclude from its midst this servile reactionary, who has hammered around his neck the brass collar of his powerful own-

ers. He has "bound out" his ability and sold his honor to Moneyed-Interest, and like every other vassal must obey the desire, to escape the whip of the Plutocrat. So far it has been a willing and anxious bondage, because profitable. Any apparent rebellion has been temporary, indeed; a jerk on the chain and a jingle of thirty pieces of silver sends him bounding back to his masters. His attitude toward the freeman is that of every hide-bound, mercenary hireling—self-satisfied contempt.

In this booklet I have illustrated in bas-relief—in a manner that a blind man could comprehend—that Guthrie was certainly "Murphy's man" in the Cohalan investigation. Undoubtedly he is still "Murphy's man" in the Bar Association, primed and cocked to render any number of secret services to his Boss if he succeeds in dominating the actions of the Constitutional Convention. This apparent alliance existed even at the time Cohalan ran for office, for "Tom" McAvoy and "Tom" Smith conferred with Guthrie and a Committee of the Bar Association about Judiciary nominations in Guthrie's office in October, 1911.

I am publishing this protest over my own full signature, perfectly aware that I am opposing a boulder of established position, which is nevertheless blocking the smooth course of the stream. It is not "campaign material," so there is no need to take refuge in the slight precedent which allows a pamphlet to be sent out anonymously, as Guthrie launched his attack on Judge Seabury. Listen to the strictures on Guthrie by this distinguished jurist of our Highest Court. Justice Seabury, of the Supreme Court, in October, 1914, said: "Guthrie admits he is the author of the anonymous, scurrilous attack. He stooped so low—beneath contempt." Judge Seabury, of the Court of Appeals, in February, 1915, at a dinner given by the New York Law School Alumni, while speaking about "leading lawyers" (with Guthrie evidently in mind), said in his address: "They misrepresent the Bar and do an injustice to the profession."

When I begun to study Guthrie, I noted he was counsel for the "Thread Trust," known as the American Thread Company, a consolidation of fourteen companies, with a capital of $50,000,000.00. I then determined to unravel his record and prevent as far as possible this "Corticelli Kitten" from making snarls in other people's affairs.

# CHAPTER VII.

## EXIT GUTHRIE.

Since the election of the members for the Constitutional Convention now in session at the State Capitol, I have become aware that in the foregoing chapters I literally seized Time by the forelock. I wrote anticipating the probable smuggling of Guthrie into this Convention, as per press reports probably inspired, and his ready acquiescence with smug complacency as a smuggle-ee. It seems, however, that the delegates took Guthrie's advice in a recent speech so seriously that he boomeranged himself. He urged the electors to "take the pains carefully to discriminate among the candidates," thereby eliminating those who wore the livery of Tammany Hall. They conscientiously did so, and thus the dear exhorter was himself excluded. At a prior date he was virtually "kicked out" as a candidate for Delegate-at-Large at the Republican State Convention at Saratoga Springs by Four Hundred and Eleven delegates.

The speech above referred to contained some other humorous passages. It was given by Guthrie at a political meeting held at Durland's Riding Academy on October 26th, 1914, and was one in which he presumably discussed the subject of the Constitutional Convention; I will now **unhorse** him, as his real object was to "toady" to two worthy candidates whom he knew then would be elected anyway, and incidentally to blow his own horn, and last—but not least—to attempt to justify himself for his bushwhacking of Judge Seabury. So proud was he of his oratorical parabola that he had it committed to pamphlet form for distribution among his friends and admirers. This gives me in black and white, in his own words, as excellent an illustration of his fickle mentality as those I have set down previously. This is the drift of it:

On page 14 of this classic effort, in a veiled reference to Judge Seabury, Guthrie wails: "Every one knows that a numerous endorsement of any judicial incumbent by some of our ten thousand members of the bar is too readily obtainable and that a general endorsement is never an answer to specific objections to a candidate's availability." Here we have it that in Guthrie's opinion his brother lawyers are largely "simps," and large numbers of them will readily

endorse any candidate, regardless of his fitness. On this theory such an endorsement would naturally not be worth a row of pins.

Now on page 18, in boosting Judge Chase (so that he, perchance, may ascend on the same parachute), such general endorsements assume an entirely different aspect and a large and weighty importance. He proudly informs his readers that "a large number of lawyers signed an address to the electors of the State certifying that in their judgment he (Chase) had shown exceptional qualification for high judicial office, that he had given entire satisfaction to the bar and litigants, and that the State ought not to be deprived of the benefit of his long judicial experience and demonstrated fitness." What can one decide from displays like this? Except that they both emanate from a mind as active and uncertain as a flea. He simply fits a lot of words together, and uses the same argument to score Seabury that **he shifts** to canonize Chase.

If any lawyer, or large number of lawyers, certified that any judge gave "entire satisfaction to litigants," then their endorsement must be insincere. Such a feat is an impossibility on the face of it. Half of the litigants are bound to be losers, and naturally dissatisfied, whether their case was just or not.

You can see why I desired a solution of the riddle of his conduct in the Cohalan investigation. I sought the analysis to his address found on page 489 of the printed record, in which he thirsted to take the responsibility (or possibly, the credit) for not calling Murphy to the stand. Guthrie did not want Murphy to make any mistake about placing the laurels. He began eagerly: "I desire before you adjourn to make a statement on the record . . . I deem it fit and proper to refer to the demand made in various quarters that Mr. Charles F. Murphy should be called and examined as a witness. In that regard, Judge Kellogg, the counsel for your Committee, informed me that if the Bar Association desired to have Mr. Murphy subpœnaed, or if in my opinion Mr. Murphy knew anything whatever about any fact material to the issue, he, on behalf of the Committee, would direct the issuance and service of the necessary subpœna. I declined to have Mr. Murphy called because it would have been an indefensible performance quite beneath the dignity

of this tribunal and of the great Association which I have the honor to represent; and **I personally take the full responsibility of declining to call Mr. Murphy** or any other person connected with politics."

There is no need to reiterate preceding points. If with the fireproof wood story in his possession, in his opinion, Murphy knew no fact material to the issues, Guthrie is not a lawyer; he is a dunce. The serving of a subpœna to Murphy indefensible! Saints preserve us! Step forth, William D. Eunice to thy Charles F. Petronius, and receive the well-earned reward of thy anxious delicacy. I note, however, he had the effrontery to appear in the Assembly Chamber on the evening of June 15th to talk about **Liberty** seven hundred years ago, the brand King John gave at Runnymede; the following afternoon he was shouting in the Convention about **Anarchy** and **Corrupt Despotism** as applied to **Direct Primaries,** the death knell of Charles the First, and Last, including, of course, his Prime Minister, Guthrie.

In pulling the full organ stop on this booklet, I will briefly state the flimsy excuse the Grievance Committee was forced to give in defense of the termination of the Cohalan affair in lieu of the **fine report** Guthrie was to have written (which was to have contained a full justification of their act); "The Committee on Grievances is of the opinion that the Action of the Association in the matter of the charges made against Judge Cohalan tended to maintain the dignity of the profession and the integrity of the Bench."—Annual report of the Committee on Grievances for 1913.

I firmly believe that Guthrie's further influence before Conventions, Legislatures, Universities and Bar Associations will wither away like a frost-bitten cabbage. If possible this thirty-third degree wind-jamming lawyer should be segregated and kept on a Kansas prairie, in a court house made of chicken wire without a cyclone cellar.

I am still waiting for that report from the hide-and-seek lawyer, though I believe this retort will obviate its necessity. It shows clearly enough just how the "integrity of the Bench" was maintained. **In conclusion, Gentlemen of the Convention, I am determined not to be Gulled by Guthrie's Gullery.**

(Signed) Jno. A. Connolly.

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